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Minutes of a Town Board meeting held by the Town Board of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, on Tuesday, May 4, 2004, at 7:00 p.m.

Present:

Philip Cardinale,	Supervisor
Edward Densieski,	Councilman
Barbara Blass,	Councilwoman
Rose Sanders,	Councilwoman
George Bartunek,	Councilman

Also Present:

Barbara Grattan,	Town Clerk
Dawn Thomas, Esq.,	Deputy Town Attorney

Supervisor Cardinale called the meeting to order at 7:05 p.m.

Supervisor Cardinale: "Call the meeting to order at 7:05. We'd like to start with the Pledge of Allegiance, so Richie, if you could lead us, as the BID leader."

(At this time, the Pledge of Allegiance was recited, led by Richie)

Supervisor Cardinale: "We have a presentation I'd like to do initially before we continue with the meeting, to CAP. So we'll go down into the well to do that."

We are here today to acknowledge CAP and all the good work it does, Community Awareness Program, and all the kids it has helped and to remind everybody- is it June 4th, June 4th is the parade and I'd like everybody to be aware of it. We'll all be there, too, the Town Board, and we'd like as many people as can be there.

We also would like to take the opportunity to commend CAP group, all of them, including the kids, but in particularly Felecia (inaudible) who has been working with CAP how long- since 1999 so five years now, and we've generated a proclamation here which I think sums up what she's done for the town over those five years, what she's done for the kids, and what CAP has done for the community.

Whereas, it is both fitting and proper that the Town Board and the residents of the Town of Riverhead join to promote those

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attributes and activities which increase the awareness of the community and its youth;

Whereas, Felecia as the Executive Director of Riverhead Community Awareness Program has provided a drug and alcohol prevention and education program;

Whereas, the Community Awareness Program has expanded its program to serve over 2,400 students annually and is in its 20th year at Pulaski School;

Whereas, the Riverhead Community Awareness Program has spent many years educating our children so that our community might become a place where our children will feel safe and confident is saying no to drugs and alcohol and yes to leading healthy lives without impairment.

Now, therefore, be it resolved, that I, Phil Cardinale, Supervisor of the Town of Riverhead, together with the other members of the Town Board hereby congratulate and honor Felecia (inaudible).

In witness whereof, I sign my name this day, the 4th of May.

We want to commend your good work and want you to keep it up. We're all going to be there at the parade and I want you to take that and remember that we appreciate what you're doing.

You should make a speech."

Felecia: "I just want to thank the Supervisor and Town Board and the community for recognizing the work that we do. And I just want to point out that we have here today are CAP leaders and students from the Pulaski Street program and some volunteer who really- without the volunteers we wouldn't be able to do be doing this program for 20 years.

And I want to again remind you that the say no to drugs march is on Friday, June 4, (inaudible) Suffolk County Coach of the Year of the champion Riverhead Blue Waves will be leading the march. So please come out and join us. Thank you very much."

Supervisor Cardinale: "Thank you. Come on up if you would, we have another presentation once (inaudible).

We have a presentation by the Chief of the Wading River Fire District, Tom Latterle (phonetic) to Fire Marshal Bruce Johnson and

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to David (inaudible), the Assistant Fire Marshal soon to be, and I'll let you take it from there."

Tom Latterle: "Thank you. Thank everybody, Supervisor and the Board. Chief Donnelly and myself on behalf of the chiefs, officers and members of the Wading River Fire Department would like to extend our sincere gratitude to Fire Marshal Bruce Johnson, Fire Marshal Dave A-Z, for their leadership and willingness to respond to any of our needs, 24 hours a day, seven days a week.

One thing as fire chiefs, when we get on the scene, everybody wants answers from us. And as the members of the Wading River Fire Department know, at times we don't have the answers but we know with a click of the Nextel, that Fire Marshal Johnson or Fire Marshal Dave A-Z will be there for us.

On behalf of the District and the Department, we'd like to show a small presentation to both parties."

Supervisor Cardinale: "Thank you very much. Speech."

Bruce Johnson: "Just a couple words, we'd really like to thank the chiefs and the members of the Wading River Fire District for presenting the plaques to us. It's nice to know that when we get called out by those guys at 3:00 in the morning that they appreciate us being there and that's a big part of what we do.

We're here to serve the community and that also includes our volunteer fire departments and our volunteer chiefs who are doing this without compensation. So any way that we can help them out, that's what we are here for and we appreciate their recognizing us tonight. So thank you chiefs and thank all your members for us."

Supervisor Cardinale: "And, Dave, do you have a comment?"

Dave: "No comment."

Supervisor Cardinale: "You did good. I think we're finished. Okay, now we're off to the meeting. Would you start us off by let's see approving the minutes of the April 20th and the April 22nd meeting. Would somebody offer the minutes for approval?"

Councilwoman Sanders: "So moved."

Supervisor Cardinale: "Moved by Rose, seconded- "
Councilman Bartunek: "Seconded."

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Supervisor Cardinale: "-- by George. Could we have a vote on approval of those minutes?"

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The minutes are approved."

Supervisor Cardinale: "Great. Next on the agenda is the collections from the various offices. Could you tell us about that, please, Barbara?"

REPORTS:

_____Tax Receiver	Total collections, there's an incorrect figure there. It should be \$49,088,927.24
Town Clerk	Monthly report for April, total collected \$15,517.14
Police Department	Monthly report for January, 2004
Sewer Department	Discharge monitoring report for March, 2004
Animal Shelter	Three month statistics report
Bid Reports	Solid waste opened April 22 nd 1 bid was received from Crown Sanitation
	Snack vendors opened on April 22 nd , 1 bid was received
	Portable asphalt milling/trenching/soil stabilization w/trailer Model opened on April 29 th , 1 bid was received

Barbara Grattan: "That concludes Reports."

Supervisor Cardinale: "Thank you. That was a small correction of \$40,000,000."

Barbara Grattan: "Yes."

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Supervisor Cardinale: "And I was so happy we had \$89 million instead of \$49. The applications, would you tell us about those, please?"

APPLICATIONS:

Special Events

American Diabetes Association
on June 13th at Grangebél Park
bicycle ride

Martha Clara Vineyard -
various dates in June for
weddings and wine tasting

Parade Permits

Little Flower Union Free
School May 22nd, 9:00 a.m. to
11 a.m. parade

Jamesport Fire Department -
August 29th, 8:30 a.m. to 12
p.m.

Parade for Jamesport Fire
Department on July 14th at 6
p.m.

Fireworks Permit

Riverhead Raceway, July 3rd

Change of Zone

Lakeview at Jamesport

Barbara Grattan: "And I think that concludes Applications.
No, one more.

Site Plans

Robert H. Heller - to build a
one story trade shop on the
east side of East Main Road

Omnipoint Communications -
to affix wireless tele-
communication antenna to
existing water tank

Barbara Grattan: "That concludes Applications."

Supervisor Cardinale: "All right. Good. Do we have
correspondence?"

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CORRESPONDENCE:

Richard Wines

Technical issues regarding
proposed zoning changes

Kenneth Testa

A letter of resignation

Barbara Grattan: "That's it."

Supervisor Cardinale: "And we regret his leaving after 14 years but May 31st is the day. But he's only going to the school district if you didn't know."

The public hearings- there is one at 7- can we open that hearing now at 7:17?"

Public Hearing opened: 7:17 p.m.

Supervisor Cardinale: "Concerning the temporary closing of a roadway located along the Peconic River and I think we might have some comment on this. If we- if anyone wishes to comment, would you come up, please. I do not have any cards here."

Councilman Densieski: "I'd like to ask Marty Sendlewski, he's the Chairman of the Parking District, if he could present the proposal."

Supervisor Cardinale: "Sure. Marty, would you present the proposal, please?"

Martin Sendlewski: "Thank you, Supervisor. My name is Martin Sendlewski. I'm a member of the Riverhead Parking District Committee. I've been a member of the Committee for about three years, the last year of so I've been the Chair of the Committee."

I'm just going to give you a brief run through of what we're talking about tonight and then after additional comment, if the Board has any questions, myself, other members of our Committee are here, we'd be more than happy to answer those questions.

First of all, the Parking District Committee is made up of members of the Riverhead Parking District being property owners or business owners. This year we've really turned up the heat on our efforts. We've gone to two meetings a month instead of what was previously one a month. We've also held a couple of special meetings, really with the goal to improve- put in extra effort in to

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try and facilitate improvements to the parking areas.

One of the first items on the agenda this year was the Peconic River parking lot. What we did was, we looked back at a couple of previous design studies that were done years ago. There was one (inaudible) design study that was done by an architectural school in the early '90's. There was another study done by the BID, I forget the year. All of those studies recommended reorienting or trying to take advantage of the Riverhead waterfront that we have along the Peconic River.

With that goal in mind, what we did as a Committee is we spent a lot of time. We went down there, we did car counts, we spent a lot of time at the location, and as you are aware, there's a grant from the State that the town is going to utilize to improve the waterfront in terms of the bike path that the State is giving us a grant for- the town a grant for. And that will include, you know, additional improvements to the boardwalk.

With that in mind, we felt this was the perfect time to take a closer look at the parking area down there and recommend an additional improvement which we had looked at and past as a board back on January 20th, is when we had our board vote regarding this project.

What you see here on the map, this is the portion of property where the East End Arts Council is. You have the two buildings up on the road, the out buildings in the back, the lawn area. Here's the current grass and boardwalk. And this area in here is a very irregular shaped parking area. There's only nine spots there currently that exist. And there's a roadway and nine spots along here, directly behind the Arts Council and the river.

What we had looked at and recommended as a Committee was to take the area directly behind the Arts Council and close off the current access that runs behind the East End Arts Council and extend the lawn area and the park area from the Arts Council right down to the waterfront.

We have a gazebo here, these are very preliminary sketch plans, but we have a gazebo but the main thrust of it is to extend that waterfront- I mean the existing green space and the Arts Council property down to the waterfront.

What this project- the way we looked at it as a committee, the things that we came up with that were important to us and the steps

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that we have taken, were to review this. I think Councilman Densieski, he's the Town Board liaison on the Committee, I believe he attended a BID meeting, spoke with them. They were in favor of it.

The Parking Committee unanimously approved this. What it does is add green space. We feel it makes the parking lot a safer environment. It does create that continuous green space down to the river. It does tend to promote the waterfront which we feel is something that all of the studies and all of the discussion, anybody that talks about Riverhead, they say let's take advantage of the waterfront. We're trying to go in that direction.

Currently there are a couple projects proposed for the parking lot down there. There's a row of boutiques that's proposed. There's another boutique with a residence above that's proposed behind the diner. Actually, it's in for a building permit now, has site plan approval. So those are actually projects that are now orienting themselves towards the river instead of Main Street.

Based on our car count, about 90% of the cars that use this particular location are using it as a bypass, they drive through. Approximately 10% of the cars from on site observation are actually leaving the parking lot and traversing this location.

In addition to what we're doing here, one of the things that's a big advantage is that this is going to be done at a relatively lower or no cost. I know Mark Kwasna from the Highway Department has looked at it. They can put in temporary closures here to close this down so that we try it without initially removing all the paving.

In case there is a reason where we feel that, you know, maybe it wasn't a good idea, we think it is, we think it will prove that it is a good idea. But we're not going to go through that expense now. We want to try it on a temporary basis through the summer and if it is- it does prove successful, which we feel it will, eventually we will use the Parking District budget to then renovate this as a park and remove that area.

Sort of in closing, a few things I'd like to point out, that we also referred to when we worked on this plan. And they come from actually Chapter 6 of the master plan. And I'm actually going to read them because they're actual quotes. If you go to the master plan, I'll read you quotes from the master plan.

In the very first section of the master plan under Chapter 6, it refers to the Riverhead waterfront as one of downtown's greatest

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assets. Paragraph 6-3 under goals and policies indicates that we should promote a pedestrian oriented environment. We should expand and improve the waterfront park, that's on Section 6.7. 6.7D says that we should redesign safe, direct and visible connections between the waterfront and Main Street. We should promote along the water-Peconic River. We should promote pedestrian and bicycle access and circulation. We should build pedestrian walkways between Main Street and the waterfront and we should design parking lots that are walkable, attractive and integrated with downtown buildings.

Those quotes are actually- they're actually quotes right out of the master plan. That's what we used. We did our on site and we're hoping that the Board will approve this because we'd like to get it done before the Memorial Day weekend."

Supervisor Cardinale: "Okay. I think, Marty, what you did- what I want to make clear to the public watching and the public here, that's the long term plan. Could you elaborate on what the short term test is going to encompass?"

Martin Sendlewski: "The short term test basically is going to include temporarily blocking off that portion of the parking lot with planters and movable barriers. That will allow pedestrian and bicycle access to traverse that location but will prevent automobiles from going through there.

We also have a plan to incorporate considerable signage throughout the Parking District to indicate that this is not a thru-fare. Without Town Board approval, we haven't moved on that yet."

Supervisor Cardinale: "Sure."

Martin Sendlewski: "That's something that we're hoping we can get the Town Board to act on because we're really running out of time. We had originally slated this for April 15th and, you know, in that it's taking a little bit longer to get to this point, we've pushed it back to the last week of this month, of May.

We're going to do the temporary barriers. We have a shed and gazebo company who's willing to locate a gazebo there. We're looking to do some minor landscaping improvements, some bark chips, etc. And really movable barriers, like movable planters and that type of element which is really at relatively no cost.

As a matter of fact, the Highway Department has a lot of the material on hand and it could really be set up and taken down, I

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believe, in a matter of hours. So- and if that does hold true, then, hopefully, we'll get to the ultimate which would be to close it off."

Supervisor Cardinale: "If I understand it correctly, where you would- the green space, presently the Benjamin Corwin house will come right down to the river and- "

Martin Sendlewski: "That's correct."

Supervisor Cardinale: "-- you'd put the barricades on the street at that point?"

Martin Sendlewski: "That is correct."

Supervisor Cardinale: "In the middle of that?"

Martin Sendlewski: "Yeah. What happened is on the west side, it actually follows the line just to the west where the parking ends coming- the parking ends right here, coming down behind the last building on Main Street, right where that ends- "

Supervisor Cardinale: "Okay."

Martin Sendlewski: "-- is where it would close off on the west side. On the east side, originally when we looked at it, we said let's just close it, you know. Let's try this idea. When we went down and studied it what we ended up doing was pulling the closure further westward to, number one, maintain a current row of parking that's there and also to allow a controlled access onto the East End Arts Council property.

That was very important to the Arts Council, that they still have an access point and we were able to achieve that by further studies and evaluating the plan."

Supervisor Cardinale: "Thank you. Does anyone else have questions of Marty?"

Councilwoman Blass: "I have a comment if I could."

Supervisor Cardinale: "Go right ahead."

Councilwoman Blass: "All of the goals that you mentioned in the master plan in maximizing the waterfront increasing pedestrian friendly environment, all of those things are very clearly stated in the master plan. I don't think anyone has any objection or concern about those.

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This, however, is not about maximizing the green space or the riverfront. This is about traffic circulation and how that affects the downtown shopping experience. And I'm going to quote directly from the master plan as well and this is the stand alone chapter that was done on downtown exclusively. This was the first element that was adopted by the town. This is the revitalization strategy for downtown Riverhead.

And this quote is: A driveway leading east from Peconic Avenue into the parking lots along the riverfront should be converted into a regular roadway. The road already functions as a bypass route for Main Street and, again, we're talking about traffic circulation. We're not talking about maximizing green space.

Converting the driveway into a roadway would provide for an easier and a more apparent way to reach the aquarium and it would also improve access to the parking lots.

So I just thought it was important to mention that aspect of the downtown study as well."

Supervisor Cardinale: "Thank you."

Councilwoman Blass: "I don't know if this is an appropriate time to read into the record or maybe to just give to--"

Supervisor Cardinale: "Well, yeah, let the Clerk put it into the record. I have two questions before we- go ahead. I'm sorry, finish your thought."

Councilwoman Blass: "Well, Councilman Lull had asked that I actually read certain aspects of this report. Jim Lull, as you know, was the former liaison to the Parking District and he submitted to me to be forwarded on to the Clerk a three page report which he characterizes as a summary of the major moves made by the town and the Parking District over the last eight years.

I'm not going to read it all but he did ask me to highlight certain things for the benefit of those this evening.

He said all of these moves, and there are 10 of them, were aimed at two goals, creating and maintaining a smoothness of traffic and pedestrian flow in the general east/west alignment of the downtown area, and maintaining as many parking places as possible. And, indeed, Marty, he referred to all the bulkheading improvements and

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the bike way and all the projects that you mentioned.

However, he also said that this was the third time that this particular request had been made or this suggestion had been made to close off this and it had not been supported the prior two times.

And he says specifically simply consider the number of cars which now take the Peconic River Road from west to east through town. I am one of many locals who use this route. To make our local drivers' trips through town more difficult is also an unwise move. Add to that the delivery of trucks to Sears, the regular water trucks to the rear of the aquarium, other trucks which deliver to the Salvation Army and other businesses in the area, school buses in particular, 20 a day, to the aquarium.

He also suggests that the wisdom of studying the impact after a measure has been taken is backwards to say the least. He said generally you do the study first and you take action based upon the results of the study.

And I just also wanted to add or ask rhetorically how one is going to measure whether this is effective or not?

But I would submit this to the Clerk for inclusion in tonight's record. Thank you."

Supervisor Cardinale: "Would you come up, Marty, for a second?"

Councilman Densieski: "I'd like to respond, too, if I could, Phil."

Supervisor Cardinale: "Sure, go right ahead, before I ask another question."

Councilman Densieski: "Okay. Not supported by who? This was supported by the Business Improvement District and the Parking District. These are the two groups that actually pay taxes and have a direct interest down there. So I'd like to know supported by who?"

Councilwoman Blass: "You'd have to ask Mr. Lull because as I understand he wrote that he was the liaison for the past eight years and it had been discussed by the public parking liaison group, this suggestion had come up he said twice before. This is the third time. So- I don't have that answer."

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Councilman Densieski: "Okay."

Councilwoman Blass: "He respectfully submits this and I'm just passing it along."

Councilman Densieski: "I look forward to reading it. But this is supported by the current Parking District, the people who pay taxes and the people who are trying to pay their bills and survive doing business downtown which is not easy.

Do we want to cater to the people that are- that need a shortcut or want a shortcut behind town or do we want to cater to the tourist and people that are actually adding something to the dimension of downtown?

And if we study this, it will be paralysis, do analysis, just like everything else around town. I just wanted to add that to the record."

Supervisor Cardinale: "Did you- what I wanted, actually the issue's been framed very well by Barbara and Ed and they mentioned both the issues that I wanted to explore just for a second.

Obviously this is going to be a discussion between the danger of worse traffic versus the enhanced green space which everybody wants. But I wanted to ask this question and Barbara raised it and a question that you raised.

If I was going to vote favorably on this, one of the things that I would like to see is a stated criteria for success or failure as Barbara was saying, because normally you do do the study. I get Ed's point that we don't have time for a study and it would be costly. But you have a criteria of what success is and what failure is.

My great concern- I guess most people's concern is a Peconic Avenue backup into the circle.

The second thing is I would feel a lot more comfortable doing this if I was assured of the support of- so then they couldn't blame us- if I was assured of the support of the pertinent groups as Ed is saying, like the Parking Committee like in writing."

Councilman Densieski: "We have resolutions from both."

Supervisor Cardinale: "The BID- and they're both apparently on board, right?"

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Councilman Densieski: "I've submitted the entire board those resolutions."

Supervisor Cardinale: "The Parking Committee and BID. If they're both on board, Richie is here, I guess he'll comment if the BID is not on board. But if we could have an assurance that the downtown community is on board and this is simply- and I want to point out one other thing. This is simply a test, you didn't mention that in your remarks.

Pursuant to the publication, it would be a test from May 28th through September 15th and then we would assess. But I'd like to know what the stated criteria of assessment would be and I'd like to know if the Parking Committee, the BID, the Chamber, the police chief and the highway- there's a committee kicking around here. I think, Ed, you probably know the name of it, you may be on it, that considers when you ask for a stop sign or some sort of road change- George is on that? How do they feel about this? Highway safety committee, I think it's called."

Martin Sendlewski: "Yeah. In response to that, the- with all due respect to the amount of time that was spent on the master plan, as we've seen with trying to implement certain things, the master plan is far from perfect. I don't agree at all with the statement about the roadway in the master plan. The committee does not agree with that.

The vote-- we have a resolution, it's actually a resolution. It's on record in town hall, voted on by the committee unanimously."

Supervisor Cardinale: "That's the Parking Committee?"

Martin Sendlewski: "Parking District Committee. By the way, one of the people who's on that committee who voted in favor of it and supports it is Jim Bissett, the owner of the aquarium. He's one of our committee members.

One of the points that keeps coming up that's in error and I think it's in error across the board with the comments about the access way, is that this is not a road. This is not a road. This is a public parking lot. That's what it is. This is not a roadway. It's not Peconic River Road or anything else. This is the public parking lot.

The committee who is made up of owners and business owners in

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the Parking District who pay the Parking District taxes, who have their businesses down there, are the ones who are in favor of this and who would like to see this tried.

One of the things that always bothers me, I've heard this statement many times being a native of Riverhead, is I've heard this statement, same old Riverhead. Same old Riverhead. I've heard it on and on for years.

This committee is really trying to think outside of the box and trying to do something that's a little bit- a little bit risky, but you know, we want to try it. We'd rather try it. Blame us, because we're the committee and we'd rather try it and fail than not try it."

Supervisor Cardinale: "That's actually what I was thinking. I would like about three or four more- I'd like the BID, the Chamber, the police chief, the Highway Safety Committee, all to step up and tell me how they feel. If they all want to do it, I would say I've got plenty of people to blame, so let's try it."

Martin Sendlewski: "Also, I have nothing but the unparalleled respect for Councilman Lull because I did work with him on that committee for a number of years, and I understand, you know, certain things that- I know Jim's not in favor of this but we really look at this as a future issue, you know.

Let's cut some of the things that we've been doing over and over and downtown still hasn't changed. Nothing's changed. We want to start making some changes down there.

And in all due respect to anybody who says, well, I use that. You know if you are using it just to drive through, go down to 105 or take the road by the library. You know, as business owners, we don't need you driving through, clogging up the business district. Take another route."

Supervisor Cardinale: "One final thing. Criteria, you haven't yet produced a criteria as I understand it for success. In other words, how would you define success or failure? For example, if you do it and the Peconic River- Peconic is backed up to the circle, that obviously would concern most people. Would that be an indication that we should stop?"

Martin Sendlewski: "Yeah. That is quite frankly the one thing that we don't have our thumb on. What gauges that success or failure at that point. We honestly don't know. I can't give you an answer to that."

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Supervisor Cardinale: "Okay. Maybe we can work on that."

Martin Sendlewski: "But we'd still like to give it a try."

Supervisor Cardinale: "Thank you. Comment? Yes, sir."

Ron Schmidt: "Ron Schmidt, Aquebogue, Tuttle's Lane. I have about 11 pages of signatures here against it-- closing it. And I think that as far as testing it, maybe we should only do it on weekends, see how it works out. Because if you ever have an emergency on Main Street and we close Main Street down, how are people going to get around?"

I remember a couple- maybe 10, 15 years ago, there was a big fire on Main Street. And we closed it down for almost a day. People have got to get around somehow. If we have an emergency at the river, somebody was drowning or something like that, how are we going to get down there to them if Main Street is clogged up?

If we tried it on weekends, how about making some car show or boat shows or something like that there to get people to come down there? We could have a flea market, a giant yard sale, something like that, with merchants and the residents of Riverhead.

We could try something else besides close it down during the week because I think during the week, we're going to create a lot of traffic problems. If you go down there at 5:00 in the evening on Peconic Avenue, you can't get through there. You close that off, it's going to be worse.

So I'd like to hand these in to you."

Supervisor Cardinale: "Yeah. Would you hand them to Barbara, please?"

Ron Schmidt: "Okay."

Supervisor Cardinale: "And she'll submit them for part of the record."

Ron Schmidt: "Thank you."

Supervisor Cardinale: "Thank you, Ron. Next comment, please. Timmy."

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Tim Yousik: "Thank you. My name is Tim Yousik, I'm a business owner downtown Riverhead. I happen to be in favor of this trial run. A couple things that come to mind. Number one, Route 58 was designed to be a bypass for Main Street and that worked out quite well. Nobody comes on Main Street anymore.

To create another road along the riverfront to bypass the stores again, I think is another mistake. The most important positive thing that I see by trying this is if we work carefully with signage and we get the aquarium goer as they come into our town directed towards things like the parking lot behind the theater or Barth's Drug Store if you will, and we get those people now to walk- to get out of their car and walk down to Main Street and walk along Main Street, that's a real positive.

To pull into the back parking lot off of 24, come down Peconic Avenue, come there, go to the aquarium, get into your car and go home, we're making a mistake. Getting the people to walk on our Main Street like they do in Mystic, Connecticut and other areas, I think would be a positive move.

The fact that this can be done on a trial basis and if it truly is a mistake that it can be removed in literally a couple of hours, there's no downside to trying this.

As far as what is going to be the gauge if this is a success or not, I think that should be left up to the Business Improvement District and the Parking District Committee to make that determination. Because they are the ones who pay taxes downtown, they are the ones who are trying to run businesses downtown.

Personally for me it truly doesn't affect me. I'm a little bit on the other side, I'm a little bit away from it. I may not reap benefits of the aquarium walkers, but for Main Street itself, putting a positive image on Main Street, it's a great thing. It's certainly worthy of a try.

If we were talking about a large expense and tearing up the parking lot initially, I would have to agree with the rest that maybe we should hold off and study it a little bit further. But this is being done on a temporary basis.

I've sat with Ed, I've gone over it. I've picked his brain a little bit. I wanted to really know what he thought the benefits of this were. Again, if the aquarium is on board, there's somebody that it could affect. Business Improvement District from what I

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understand is behind it. The Parking District Committee is behind it. I don't know what we're waiting for. It should already be done. Thank you."

Supervisor Cardinale: "Yes, further comment. Rolf, please come up. The- I wanted to ask a question of Dawn. The area we're talking about, that roadway, that's owned- that is Parking District property? Correct? It's not- it's actually part of the parking lot?"

Dawn Thomas: "Yeah. It's- it may be partly town of Riverhead property and partly municipal parking district property. In fact, we're looking at that issue right now with regard to the proposal on Peconic Avenue.

Chris is doing some title research on whether that actually belongs- the westerly portion belongs to the town or the Parking District. Both need to be dealt with differently. But there's no- it's all part of the parking lot. It's not a dedicated town road or a dedicated highway."

Supervisor Cardinale: "That might- that I'd like to know the answer to because if we're sitting as parking district commissioners exclusively then the argument being made that it's their property and if they allowed it to be utilized as a through street and now wish to experiment with it not being a through street is more compelling than if we're talking about a town of Riverhead property and we're sitting as a Board. So I'd like to know that."

Councilman Densieski: "I have a point, Phil. I'm not sure, like Dawn said, they're looking to see if it is Parking District- "

Supervisor Cardinale: "Right."

Councilman Densieski: "-- or town, but Parking District funds have always been used to maintain that lot and the Parking District has always managed that lot, so- "

Supervisor Cardinale: "Including the travel portion?"

Councilman Densieski: "Yes."

Supervisor Cardinale: "Okay. Rolf, I'm sorry, go ahead."

Rolf Koesling: "Rolf Koesling, Wading River. I just want to say I support this. The key word is temporary. I would just like to

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see a 30, a 60 and a 90 day. If it's a problem right away in 30 days, you knock it off right then and there. If it's not so bad, you try it for the 60 days. Fine. If it's untenable, you knock it off. You go to the 90 days, you've got just the perfect time. You've got the spring season, the summer season and you're getting a little bit into the fall.

I think it's a great idea. A great temporary idea to see how it works. Thank you."

Supervisor Cardinale: "Thank you, Rolf. Further comment. Yes, Richard."

Richard Israel: "Good evening, Richard Israel. I'm here on behalf of Riverhead Enterprises. Riverhead Enterprises owns a majority of the property that the Parking District sits in front of. And in discussions with some of their tenants, they may have issue with this because Sears, which is one of their major tenants, means that a person would have to probably come up onto Main Street and either go down a couple of the avenues that we've made one-way at the request of the Town Board.

Once a person gets into the back parking lot of Sears, he basically will have to turn around and go back. So a lot of people know that this road is the way to get through the parking lots to most of the buildings.

We're trying to redevelop the Swezey building as you know and the question here is if a person doesn't have ease to get to either the east or west side of town, it's going to cause problems.

I don't know if you guys have ever done a traffic count. You know, I've never seen that as part of what's going on here. Main Street is not an empty street. It is full of traffic. It does not- it lacks the parking. By forcing people across Peconic Avenue- the average person who comes into Riverhead does not know to go into the back parking lot to park for the aquarium. They come up onto East Main Street, they work themselves over to the aquarium, and then they usually have to either turn around or figure a way of where to go for parking.

And we've put up signs to kind of direct them and take them into different sections, different avenues. But the average person who is coming from not Riverhead town I'm going to say, does not know that you take to get to the quick way to the aquarium is to go through Peconic Avenue and sneak in the back there and go over to the

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aquarium.

That people are going to the aquarium and not staying in our downtown, by forcing them to drive through downtown, their first impression is going to be the same impression people get on 58 when they go to Tanger, is I've gone to my thing that I've gone to and let me go home because it's crazy here. I'm not going to find another parking space if I move my car.

So, Riverhead Enterprise which is probably the largest contributor to the Parking District has never been asked a question of what they thought when this idea has been brought up. Okay? The first time they heard about it or we heard about it was a week and a half ago.

So if this is something that has been so well planned and so well laid out, why doesn't the major landlord in this town ever been asked or discussed about it?"

Councilman Densieski: "Well, one reason is because he doesn't come to Parking District and BID meetings and he lives a couple hours that way."

Richard Israel: "Okay."

Councilman Densieski: "Maybe he needs to be a part of the solution downtown. Maybe if he showed up at some of the BID and Parking District meetings he'd know what's going on in the town where he's the major Parking District payer."

Richard Israel: "Okay. How about if you invite me, I'll come to them."

Councilman Densieski: "You are welcome to come, they're public meetings."

Richard Israel: "Okay. Let me know about them."

Councilman Densieski: "We'd love to have you. You are a good guy."

Richard Israel: "We're trying to figure out what to do with downtown. We're pushing to try to bring in new projects and everything else and, you know, we're talking about dividing down some of the buildings and putting forth our best effort to try to fill up spaces. You know.

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If you think that a landlord wants empty spaces, you're wrong. Okay? If you think he wouldn't rent all of downtown tomorrow, the answer is he would. Okay? There's a lot of issues with converting older buildings. There's a lot of issues with, you know, do we start tearing down the buildings in downtown? Every time we talk to people, they say we'd like not to see the buildings torn down.

We don't want to see, you know, there's a flavor in downtown that we're trying to keep. Okay? That's the things that we get back. But I believe that the average person and even if you talk about Route 58, okay. Route 58 we know is one of our major thoroughfares. People learn if they're a normal traveler on 58 and they have no business on it, they'll find another way because they don't want to deal with it.

The same thing happened on Main Street. You know, if you look at the traffic count on Main Street, it's not empty. You can't walk back and forth across that street like nobody's coming. During the day there's major traffic on East Main Street. It may be through traffic because we don't have anything there, but as you know, we have a lot of problems on Main Street.

We have problems with if and when we fill the stores, where are the people going to park. Now you're taking a Parking District that should be proactively creating more parking for all the events, the dinosaur museum coming, there's another museum coming next to the dinosaur museum, hopefully, that we're pushing to get in there.

Now, all these attractions which are starting to thrive off each other, where is the parking? Why- that's to me what a Parking District's purpose is, is to make sure that parking is convenient and easy for the people who are going to go to downtown. It is not and they have to start to figure out how to solve these problems.

By you cutting off the street in the back which is the only way to go east/west unless you come off of Main Street and now that we've made every road off of Main Street in this particular area, only an entrance into this area, does that mean that everybody exists off onto Peconic Lane on the west side of what you're proposing? And on the east side, where do they go? They go over by the aquarium and the old bake shop there or do they go up McDermott?

So how much signage are you going to have to put so people can easily see to know how do I get where?"

Councilman Densieski: "Probably a lot of signs."

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Richard Israel: "Okay? I mean if you're trying to stop the- I don't know what the purpose here is. Is it to get people up onto Main Street to see- "

Councilman Densieski: "I think the purpose in my mind is to create a tourist friendly environment, a walkable environment on the riverfront and that will, hopefully, generate people to walk to the stores and walk downtown."

Richard Israel: "Let me ask you a question. I'm forced where now I come off the Peconic Lane, I hop of into the parking lot that's behind the buildings that are where the Vision Theater is, I come to a dead end. Right? I park my car. I'm going to the aquarium. Do you think I'm going to walk up to Main Street or like everybody else does who's going to the aquarium, still walk along the river. Isn't that the most scenic route that we've created?"

Councilman Densieski: "Yeah, wouldn't that be the incentive for businesses to turn their face and face the river like the Boardwalk and like Mr. Dickoff's (phonetic) project to actually fact the river like people have been talking about for the last 30 years? You know, now there's a market down there. I think it would make all the sense in the world for businesses to face the river."

Richard Israel: "And you don't think- and you're seeing that as people are changing their buildings, they are facing the river. The 127 building. We put on new facias and everything else facing there, you know, again, a lot of the Swezey buildings that were part of that Eddie Archer block and that, they've all been renovated to face the thing."

You know, we can't change the direction of Main Street and now what you're saying then is the bypass that you're suggesting we close, now become dead end streets on both sides even if everything faces the river."

Councilman Densieski: "They're not dead end streets. It's just parking lots. It will be parking fields."

Richard Israel: "So, I mean that's the one thing we see is that the average person will not know the flow. They're going to start going into Peconic Avenue like they've used to. They're going to turn around. The Peconic Avenue entrance and exit is probably the most difficult exit and entrance that exists here. There is no traffic signal."

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Councilman Densieski: "But now all the traffic that queues up there now trying to use the short cut isn't going to use it. It's only going to be a limited amount of cars that are using the parking field. The cars that are taking the short cuts are no longer going to be queued up there."

Richard Israel: "Isn't the answer to maybe put a light on Peconic Avenue?"

Councilman Densieski: "It may be. It may be."

Richard Israel: "Okay?"

Councilman Densieski: "Yeah. It may be that."

Richard Israel: "You know, if a person- if Main Street was supposedly a very quiet street, nobody would use the bypass. The real problem we have is that the intersection of Roanoke and Peconic Avenue is a very difficult section. People are trying to make lefts, then rights, then lefts, and it's a very- a poor pedestrian trying to cross that road, I wish them luck."

If you're at the Bank of New York and you need to go to the Confectionary that's on the opposite diagonal corner, you're taking your life into your own hands. You are now going to increase that traffic in that same intersection. It is a flow through intersection. Now you want to force more traffic through it. It is not a good idea."

Councilman Densieski: "I think the real safety problem is on the riverfront. The cars are speeding down there and a pedestrian or kid is going to get hit down there. That's more my concern."

Richard Israel: "Don't we always have police officers back there? Let them start handing out tickets."

Councilman Densieski: "Well you could say that anywhere in the town."

Richard Israel: "Don't we have beat cops down there?"

Councilman Densieski: "Sure we have beat cops down there."

Richard Israel: "Okay. So just like everywhere else, you know, it's an enforcement of the law not-- that creates the enforcement."

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Councilman Densieski: "What's the incentive- you're concerned about business, so am I. What's the incentive to businesses to have a bypass behind town? Wouldn't the merchants be better served- "

Richard Israel: "A bypass is only used by people who want to bypass."

Councilman Densieski: "Right."

Richard Israel: "They're not used by people- "

Councilman Densieski: "I'd rather see them go by our businesses. I'd rather see the people that want to bypass be forced to go by our local merchants."

Richard Israel: "The reason I don't agree with that is if a person is truly passing through, let them get through, okay. For you to force everybody onto Main Street and then if a person needs to parallel park and he holds up an entire street while he parallel parks, that's not the right thing, Ed. You know, it's- you've got to let traffic move.

Why do you think people, and I know it's an aggravation today, but why are people using Middle Road? Because if you have no business to do on 58 today and you want to go through, you will see that a person will find a way to get through.

The answer- and if you're worried about the people doing this bypass, is let's close off Peconic Avenue across the river. Let people who are just passing through, go all the way down to 105 or 104 and go on their merry way. There are millions of ways to bypass downtown if you're doing it.

Part of this parking lot and the way it's open helps the ease of transition for people to get in and out of downtown. It's not so much a major bypass. If I sat there with a traffic count, and that's why I'm asking you, when I'm in the back parking fields I don't see lines and lines of cars. When you stop at the triple stop sign that's behind where West Marine is, there's not a line of four or five cars waiting to go through that stop sign.

Go up onto Main Street and see who's waiting to head east or west at those lights at Roanoke, and you'll see lines backed up, two or three aisles of lines backed up. Okay? That's where the traffic is. This is not used as a major bypass. It's really only for the

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people who are shopping and getting around and say, hey, this is the easier way.

Think about everybody's going to go down McDermott now and head west. They're all going to turn and be on Main Street. I assume that's what you want to happen but, again, that's just going to clog up people going to Main Street and there so it's going to become inconvenient for that average person going to downtown and making, you know, going there to shop.

And parking is very important to shopping. If you cannot find a good spot, if you're going to have to walk a quarter of a mile to go into Sears or Swezeys or whatever retailer we have down there, even the small business owners get hurt even more because if a person can run up to Target who has a thousand car parking field, find a spot and run in the store, that's what they're competing with. You've got to give them every edge they can.

If a person is either going through the bypass or the back or on Main Street, you've won your war. They're in downtown. Whether they're going to stop or not, you think you're going to try to force somebody to stop and get out of their car- "

Councilman Densieski: "No. You want to make them want to stop, not force them. People go in cars in traffic up to the big box stores. We want to make a walkable downtown so people will get out of their car and walk along the riverfront and walk up to the stores."

Richard Israel: "But understand that if that average person is using this as a bypass and you now stop them, all you've done is stop them from ever going there."

Councilman Densieski: "I disagree."

Richard Israel: "That person who is going there now is destination oriented to park their car there and do something, whether it be going to the aquarium, whether it be going to (inaudible) center which is a brand new center downtown, whether it's to go to Barth's or the like. He is now going there to go to a parking lot. Period. Where yet when a person is now driving through and bypassing, you actually have an opportunity to say, hey, I'm going pass the drug store. Let me go to Barth's, let me not go up to CVS. I'm going past Sears, hey, let me go pick up that hammer that I was supposed to get or this or that."

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Councilman Densieski: "Barth's is a perfect example. I'm glad you brought it up."

Richard Israel: "Good."

Councilman Densieski: "They're on Main Street. The people taking the bypass shortcut will never see Barth's. You made my point. Thank you."

Richard Israel: "You- again the bypass is used by people who understand our town. They're not used by outsiders. Nobody knows that parking lot even gets out on the other side. You're going to find, you know, you're going to do this. It has- I'm going to tell you, it has no value and it's actually going to hurt your downtown."

Councilman Densieski: "Well, it's possible- "

Richard Israel: "Okay?"

Councilman Densieski: "-- but how do we know until we try? And look at downtown now. I think we have to do things differently."

Richard Israel: "How can you tell if it works or not, Ed? Who's going to be there to govern it?"

Councilman Densieski: "I think we'll know. I think the businesses downtown will get a feel fairly quick whether it's successful or not. Maybe people like the East End Arts will have some input after it's implemented. You know, maybe some tourists strolling the riverfront will have some input. I think we'll know as a community whether it worked or not."

Richard Israel: "We don't think it's the right thing to do and we think it's a big mistake."

Councilman Densieski: "Thank you, Richard."

Richard Israel: "And I believe that, too, as doing what I do in your town."

Councilman Densieski: "Thank you."

Supervisor Cardinale: "Dawn, let me ask you a question. The Parking District Committee, how is that formed? How is it selected? What is it?"

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Dawn Thomas: "The Town Board selects the members to the Parking District Committee, I believe, and I've never really researched the issue."

Supervisor Cardinale: "So, I guess the reason inspires the question, is the Parking District Committee, if it's appointed by the Commissioners, it's a committee that's appointed to assist us in the administration of the Parking District property, but it's different than say the BID which elects its officers which then necessarily or hopefully reflect, you know, the wishes of the Business Improvement District. This is simply an appointed committee. It's not a committee that was elected from the payers of all those dollars that goes into the Parking District."

So- because it surprises me that you have a major landowner within the District that hasn't been consulted and isn't in favor of it. Because- that's really my point. Am I right about- are you right, are you telling me that?"

Dawn Thomas: "I think it's an advisory- essentially an advisory committee."

Supervisor Cardinale: "It's an appointed advisory committee."

Councilman Densieski: "Point on that. They are open meetings. Anybody from the community or from the businesses- or from the district is allowed to come."

Dawn Thomas: "Are there regular scheduled meetings the same time?"

Councilman Densieski: "Yes. Regularly scheduled meetings. And I don't know if the Town Board appointed them. You just appointed me to the committee in January."

Supervisor Cardinale: "Yes. You're liaison from the Town Board to the committee. Marty, committee, how is it established. Ed is the liaison from our Town Board and we're sitting as District Commissioners to this committee. But how did it get formed in the first place?"

Martin Sendlewski: "I don't know. I was invited by Jim Lull to serve on the committee about three years ago. And joining the committee and the question to be honest with you was never asked. I understood it as strictly an advisory committee."

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Supervisor Cardinale: "Okay."

Martin Sendlewski: "So, therefore, I don't think it's, you know, required to be elected or anything."

Councilman Densieski: "I think it's pretty similar to the Recreation Committee where they- the Recreation Committee has funds that they advise the town how to spend. And I think the Parking District is very similar. We have parking taxes collected and we advise the Town Board whether it's seal coating or line stripping repairs or things like this. We advise, that's it."

Supervisor Cardinale: "Okay. But there- I get it but it's distinguished- as distinguished from the Business Improvement District which taxes a district, receives certain money which I guess we administer but they actually vote officers that are controlling the expenditures."

Martin Sendlewski: "Right. I think the difference is who controls the money."

Supervisor Cardinale: "Yeah."

Martin Sendlewski: "When the Parking District spends money, the Town Board- a Town Board approval is required."

Supervisor Cardinale: "Right."

Martin Sendlewski: "I believe when the BID spends money, the BID votes to spend the money."

Supervisor Cardinale: "Right. Just like the Rec Committee as he says they recommend and then we vote."

Martin Sendlewski: "Correct."

Supervisor Cardinale: "Okay. Thank you for the clarification."

Martin Sendlewski: "Also, we do have a schedule of meetings all the way through December 22nd of this year. They're the second and fourth Wednesday of the month at 9:15 here in the meeting room.

And I have a parking count because we did the parking count. And I did it on a Friday afternoon which I thought would be a good time. I did it myself. I sat there and- the time period, I went toward the end of the day to try to get the most traffic, it was from

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4:47 to 5:02. I used 15 minutes. Theoretically if you multiply times four, you get an hour.

During that 15 minutes, 23 cars traversed this space heading from west to east. Of the 23 cars that traversed the space, two came from the Peconic River parking lot. Thirty-two cars headed westbound through here, three of them left the Sears parking lot. I couldn't visually see behind McDermott and those other areas, there may have been a few more from that. But three came from behind Sears, from Sears to the river out of the 32 and two came from Peconic River parking lot. That's less than 10%. The balance of the cars were driving through.

Also, the aquarium issue and the busing and all that. At our Parking District meeting, the minutes of February 10th, I have- this is all our minutes just from this year. February 10th meeting we had a detailed discussion with Jim Bissett regarding the plan that they're instituting for directing buses before they arrive in Riverhead, how to handle that. So, I mean, we're not just shooting in the dark here. We've spent a lot of time to research this.

Also, the- in the meeting that we just had April 27th, one of the items on the- in the minutes was the committee to search for new members and I just grabbed our friend in the back and asked him if he would join us because he would obviously make a very good member of the committee and he's more than welcome to join. Thank you."

Supervisor Cardinale: "Thank you. Any other comment on this issue? Richard- Richard, you wanted to comment again. But let me take Richard Cox for the BID first and then I'll have you comment Richard Israel."

Richard Cox: "Hello, Richard Cox, BID president. As far as the BID being completely for this project to set the record straight, Ed Densieski came to a BID meeting and proposed this project and a few of the members from the BID recommended that if they did something as far as temporary planters, something that can be removed if it didn't work, then we were for it. So to say that we were completely for this, we weren't completely for this but we were for trying it and seeing if it work and just giving it some time.

But truly we have to have some kind of period of time, 30 days or whatever it is to see if it works. We can't just leave it if it's not working. So our thing was temporary- planters, just planters put there to close it off temporary to see if it works.

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So, because I have a lot of people calling me very angry about this thing saying why is the BID behind this. We're behind trying this. That's what we're behind."

Supervisor Cardinale: "Okay."

Richard Cox: "That's it."

Supervisor Cardinale: "Thank you for your comment. Richard, do you have a follow up comment?"

Richard Israel: "Just a quick follow up comment on what you just heard about a quick study is you talked about 60 cars going through this parking lot. If you did the same traffic study on East Main Street in that same 15 minutes, I'm sure it would break two to 300. Okay? It is not a major bypass. It is a local known bypass and it actually helps the locals get to downtown where they have to go. Okay? If you're going to Sears and you happen to be on that side of town, you are going to figure a way how to get over there.

And you just have to remember that the only people who are using this bypass if you think about it are people who are going across to Southampton because if I'm on West Main Street or up on Pulaski Street, I'm not going to this back thing to cut across the back parking lot. I'm going to stay on 2nd Street and come across the other way, okay, to get to McDermott and go down.

The only people who are using this are people, I believe, who are truly in the downtown area and happen to want to head either towards Southampton. For a person who's coming over that Peconic Avenue and saying, I don't want to deal with that Roanoke thing and to turn onto Main Street, and most people would run through Roanoke at that point and make it to Northville Tpke. or the other places.

So, again, you're seeing limited traffic here. This is not a major problem and I don't understand why this has been brought in as such a major issue that we should close this down, that somehow it's going to help downtown. It is not. It is not a save all, catch all kind of thing.

We've done other things to help people get from Main Street. Think about it. We just changed all the traffic patterns on Main Street so the people from Main Street can get down into these parking lots. We just made the one-way street between West Marine and the diner. We made a beautiful street there. Okay? You just did the same in Sears. You requested of that landlord, please, make this one way because we don't want the traffic to come up on Main Street.

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So, what's going to happen now, is if this happens we have to make Sears little alleyway between that and the Arts Council two-way because that's going to be the way the person that wants to go to Sears can get in and out.

So think about the other things that are going to have to happen which are going to make us go backwards. If we were trying to get the people from Main Street to find the parking lots, now we're going to start actually bringing congestion back up there and it's- it is wrong. If you ask any traffic study, they're going to tell you what are you doing?

So, please, give it good consideration before you even think of temporarily doing this because unless you're going to have a monitor there to see what the true difference is and if you have a true study before you do it, then you have something to compare it with. This is totally off the cuff.

And to go to the BID district and say, hey, this might work, of course, we're going to say, hey, let's try it. We're trying everything we can downtown. But don't make things that go backwards. Thank you."

Supervisor Cardinale: "Thank you. Yes, Judy."

Judy Jacunski: "I'm Judy Jacunski and I also sit on the Parking District. My main issue with closing this off, I am in favor of it, and the reason why I'm in favor of it is because of the safety issue. It is used as a thoroughfare which Mr. Israel did say. It's a dangerous, dangerous thoroughfare.

There's no one back there more than I am to see what goes on. If I were to ever be hit by a car or killed in what I do it would be right back there. And unfortunately it's mostly between the hours- early morning between the hours of 8 and 9:30 is where it's extremely dangerous and it's mostly women on cell phones on their way to work between the ages of 25 and 40 on their- passing through, using it as a thoroughfare.

Later on as the aquarium starts to get busy, you know, later on in the day, it becomes a nightmare for kids, for mothers and grandmothers and people with children in tow. There's now safety place for them to cross that thoroughfare at any given place. If they go down closer to where the riverboat was to where the stop sign is, they've already parked closer. They're in back by the Carriage House. They come out of that parking lot and they're in that

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section, if you're familiar back there, where they have nowhere to go.

And most of the time I'm back there or I try and steer them to help them across the street to get over to the new boardwalk. They're petrified crossing that roadway.

I've asked on numerous occasions for that either to please either be speed bumped or something. About- what was it, about maybe three years ago I believe that stop sign was put up at the end of- where the riverboats are, was about three years ago, in hopes to stop this- this thoroughfare is more than a thoroughfare. It's a raceway.

So, it's- I believe that it's a parking lot. It's not a thoroughfare. I believe that the river- the boardwalk was meant to be pedestrian friendly and the key word is pedestrian. With that roadway, that thoroughfare going through there, it loses that terminology as being pedestrian.

I don't, you know, it's- it really is a nightmare back there. So as it's temporarily to be done, I think that it could work. Every year that parking lot is closed off Memorial Day weekend for the community mosaic. It works. I'm there at 6:00 in the morning. You hear no cursing of anyone that has to detour or go any other way. Sears functions. Swezeys functioned and now we no longer have Swezeys so that is not- not longer- it's not a problem anymore.

So in that respect, I am in favor of closing it off to see if it works. I'm also- being what I do, of course, I'm always in more favor of green space. It's just- it comes with the territory. But this is a dangerous situation here. It's an accident waiting to happen. So please pass it temporarily and then we'll see where it goes from there.

You have a question, Barbara? You looked like you had a question."

Councilwoman Blass: "No, I didn't."

Judy Jacunski: "Okay. Thank you."

Supervisor Cardinale: "Thank you."

Councilwoman Sanders: "I have a question of Marty."

Supervisor Cardinale: "Marty, we have another question of you

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from Rose."

Councilwoman Sanders: "Marty, I just have a question. During your study, did you happen to address the trucks- delivery trucks to Sears and the buses to the aquarium? How do they currently access the parking lot to get to Sears?"

Martin Sendlewski: "The buses to the aquarium, I'm not sure what the buses are doing this year. I know at one point, Mr. Bissett had requested that we allow him to temporarily utilize some parking along the west edge of his property and put up a temporary fence at certain times of the day so buses could use it as a pickup/drop off area. I believe since then he's backed off of that.

As a matter of fact, he came to us and said, you know, he no longer requires that because he's coordinated with all the schools and the buses to use the drop off right in front of the aquarium."

Councilwoman Sanders: "But then how do they- I didn't ask how they access the aquarium. I know they come in and they drop off the children and then they have to come around at some point, how do they get into the parking lot?"

Martin Sendlewski: "How do- "

Councilwoman Sanders: "To park while the children- "

Martin Sendlewski: "They're actually requested to park down by the old Building Supply property or behind 1st Street. They don't- they're told not to park in the 1st Street parking lot. That's a no no as far as the aquarium is concerned. They do not want buses that drop off 40 kids sitting in four parking spaces for two hours. That's- we requested that- "

Councilwoman Sanders: "The reality of the situation is, however, that it does happen and- "

Martin Sendlewski: "It does."

Councilwoman Sanders: "-- I'm just curious if you knew how those buses access that lot."

Martin Sendlewski: "And the aquarium is working on that. They certainly are working on that. We haven't had communication, quite frankly, with an operation like Sears as far as their deliveries."

Councilwoman Sanders: "You haven't? You haven't? Is that

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 what you said?"

Martin Sendlewski: "No, we have not."

Councilwoman Sanders: "Okay."

Martin Sendlewski: "I presume that's one of the reasons this meeting is being held tonight. We would like their participation. Certainly. I just want to say one thing. I don't suspect that- going back to one of the previous comments that was made by another speaker, that if there's a problem on Main Street or there's a problem by the waterfront, that the Riverhead police force and the Riverhead fire department which are fantastic organizations are going to be standing there scratching their head trying to figure out what to do. That is not going to happen. Secondly- "

Councilwoman Sanders: "That wasn't my question."

Martin Sendlewski: "I know."

Councilwoman Sanders: "Okay."

Martin Sendlewski: "No, no. What I'm saying though, there was talk about, you know, the safety issues and blocking off Main Street if there's a fire and this and that. If you blocked off Roanoke or Peconic, I think that would be a problem with the fire district, the ambulance corps from Flanders, etc.

I think from- I don't think there are any issues and I'd like to hear from the Fire Marshal and from the Chief of the Police what their opinions are. I think that would be very helpful in that regard.

And, also, as far as the stores and the deliveries, this goes back a while. When I was in college I drove a truck for five years during the summer for Long Island Ice and Fuel seven days a week. And I made whatever route I had to make to get to the location, to get the ice off the truck, to get it into the coolers as quickly as possible before it melted. And I didn't have carte blanche with any of their customers at the time when I delivered that ice. I was told where to pull in, I was told what hours I was allowed to be there based on peak hours. So I don't think this is something we should cater to when are they going to deliver.

There's- when I go to Sears myself, I leave, I go down 2nd Street, East Avenue, Main Street to McDermott to behind Sears. When

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I leave, I go up McDermott, back to East Avenue, up to 2nd Street, back to Roanoke, back to my office. There's other ways to go and I think that's the point here.

We have an- hopefully, we have an opportunity, and if it doesn't pass, it doesn't pass. You know, if it doesn't, it doesn't. I think we'd like to try it and I think some of the things we'd like to see is a Parking District Committee.

All I can tell you is the committee did vote unanimously, the entire committee to try this. That's all we're asking for. If it doesn't work, it doesn't work. If you don't want to try it at all, then don't. We just won't do it, we'll move onto other projects that we have. But we're hoping that it does go through."

Supervisor Cardinale: "I have a question or just a comment. Jack Hansen has indicated that the Parking Committee is an advisory ad hoc committee which advises the Board as commissioners of the Fire- of the Parking District. There's nothing in the town code. It's simply an ad hoc committee.

The other question I will spare the Police Chief and the Fire Marshal and let you mull it over, but I'd like written reports to the Board as to your opinion on this before we make a decision.

And the final question that I have is did the Chamber weigh in on this? Does the Chamber of Commerce have an opinion?"

Councilman Densieski: "I did make a presentation from the Chamber but to my knowledge they never took a vote."

Supervisor Cardinale: "Okay. So I'd like to get some sense as to how they feel about this. And if there's no further comment this evening and if anyone wishes to comment, please do so now. Otherwise, I'll leave it- I'd like to leave it open until the- for 10 days to the 14th for written comment, for anybody including the Police Chief and the Fire Marshal, and then we'll make a decision.

It's contemplated that if there was a closure, it would occur on May 28th. So we'll decide.

Yes, Richie, make a final comment if you'd like."

Richard Cox: "I was speaking for the- as the BID President before, but now I'd like to speak as a business owner back there. I would just love to see something tried back there to improve on the

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business. I think a lot of the business people feel the same way.

I have a building facing the river and personally, I'm speaking for myself, I'd love to see us try this. As for the BID, they want to see you try it with the planters. So, I just wanted to separate the two."

Supervisor Cardinale: "Okay. Appreciate that. Okay, so we're open for public-for written comment 'til the 14th and I'll close it now for verbal comment."

Public Hearing closed for verbal comment
Left open for written comment to May 14, 2004

Public Hearing Opened: 8:21 p.m.

Supervisor Cardinale: "The next public hearing is 7:05 about the proposed local law to amend Chapter 101. The hearing- I'm going to open this hearing at 8:21 and take any comment anyone has. It's going to continue and be concluded on 5/18 because of a technical error in the notice. So if you don't comment today you can come back and comment at the 5/18 meeting. I'll continue to keep it open until then and close it after that meeting. Is there a comment? Yes, go right ahead, Terri."

Terri Fenton: "Terri Fenton, Jamesport. I just would like to ask is it proper- will you be hearing any of them tonight at all?"

Supervisor Cardinale: "We will be hearing the next one but do you mean in regard to this one?"

Terri Fenton: "Any one in regards to this public hearing?"

Supervisor Cardinale: "The 7:05?"

Terri Fenton: "Yes. Chapter 101."

Supervisor Cardinale: "Yes. It is proper. You can comment if you wish."

Terri Fenton: "If it's going to be put off until the 18th, seeing they were all listed, posted and published as one, would they all be held off as one?"

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Supervisor Cardinale: "Well, the only one we're talking about is this one, 7:05."

Terri Fenton: "Yes. For Chapter 101."

Supervisor Cardinale: "Oh, you mean all of the- "

Terri Fenton: "For the- yes."

Supervisor Cardinale: "Yes. All of this would be appearing again on the 18th."

Terri Fenton: "Okay, thank you."

Supervisor Cardinale: "I'm going to carry it over through the end of that meeting. Not close it until the end of that meeting."

Terri Fenton: "Okay. Thank you."

Supervisor Cardinale: "Okay?"

Councilman Densieski: "Phil, I have a question also."

Supervisor Cardinale: "Yes?"

Councilman Densieski: "Do all these people have to be notified in writing or is it just by public notice in the paper?"

Supervisor Cardinale: "The- "

Barbara Grattan: "We notify them all. We decided that at the last meeting."

Councilman Densieski: "You notified them all? So you are going to have to re-notify them all once again?"

Barbara Grattan: "Yes. Because it gets re-noticed again. Right?"

Supervisor Cardinale: "When you say all, who are you talking about?"

Councilman Densieski: "The people that are in those- "

Barbara Grattan: "All these guys are notified."

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Councilman Densieski: "Because a couple of the people I spoke to were not notified."

Supervisor Cardinale: "Okay. Then we should re-notice for sure if that is the case. So let's re-notice and continue the hearing until the- because there may be one or two locations that have comment that weren't here tonight. So I'm going to continue the hearing and keep it open through at least 5/18."

Public Hearing held open until May 18, 2004

—

Public Hearing opened: 8:22 p.m.

Supervisor Cardinale: "And it being 8:22, I'd like to go to the next hearing which is 7:10, amending the final order concerning the petition of Long Island Housing Partnership Fund Co., Inc. What is this about? Does anybody know?"

Councilwoman Blass: "I think it's a water extension."

Supervisor Cardinale: "Okay, it must be a water extension then. Dennis is here. Tell us what you have to tell us."

Dennis Kelleher: "Good evening. My name is Dennis Kelleher from H2M Group. We are the consulting engineers for the Riverhead Water District.

Back on February 4th of last year, a public hearing was held in front of the Town Board to evaluate the extension of public water to the proposed development known as Millbrook Gables. During that public hearing, the estimated cost of construction was estimated at \$36,000 with a total project cost of \$50,000. This total cost to be paid by the developer.

The Town Board did approve the extension of the water to this subdivision. Since that time, the project has been designed and publicly bid. The bids were received for the water main installation on March 22nd of this year. A total of four bidders submitted prices to do the work. The low bid was for \$47,950 for construction. The total project cost is estimated at \$64,350 which exceeded the original total project cost approved by the Town Board.

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Even though the total cost is being paid by the developer, we still need to hold a public hearing to amend the original project total cost from \$50,000 to increase it to the new cost of \$64,350. Again, this total cost to be paid by the developer.

The reason that the project cost came in higher than originally anticipated was that additional water main work was needed to do what we call offsets. There was an existing water main in the side of the street that the developer was proposing as part of his project to install some leaching basins. So the existing water main had to be relocated in two areas which added an additional cost of approximately \$10,000.

So the new cost for the- the new estimated cost is \$64,350. Again, that total cost being paid by the developer. So at this time, I would like the Board to amend the original hearing that was held back on February 4th of last year to increase the total. Thank you."

Supervisor Cardinale: "Which the developer is going to pay and not us anyway."

Dennis Kelleher: "The developer has already deposited \$50,000 and now he needs to deposit an additional \$14,350. And once that is deposited with the town, the Town Board is going to award the contract to the low bidder."

Supervisor Cardinale: "Thank you."

Dennis Kelleher: "Thank you."

Supervisor Cardinale: "Any comments from anyone else? If not, we'll close this hearing at 8:26."

Public Hearing closed: 8:26 p.m.

Supervisor Cardinale: "And move onto comment on the resolutions. Does anyone have any comment about any of the resolutions proposed this evening which run from 363 to 399? Yes, Angela."

Angela DeVito: "Angela DeVito, S. Jamesport. Resolution 390 regarding the retirement community district."

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Supervisor Cardinale: "Yes."

Angela DeVito: "When you talk about the intent of this within a hamlet area, is there a map that defines?"

Supervisor Cardinale: "Yes."

Angela DeVito: "Because there are two things. One is hamlet residential and then hamlet centers, HC, HR. And where are we talking about for these?"

Supervisor Cardinale: "We are talking about one mapped area which appeared on the map that was part of the hearing Monday evening, last week."

Angela DeVito: "Okay."

Supervisor Cardinale: "And would you describe where that is, Barbara?"

Councilwoman Blass: "It's basically a parcel to the west of the Sunken Saddle Lakes, I believe. It's on Middle Road."

Angela DeVito: "Okay."

Councilwoman Blass: "There's only one- it's several parcels. I think the total assemblage is 50 acres but it's hamlet, meaning small (inaudible), not specific to any hamlet outside of the Riverhead area. So it's a mapped area, not an overlay. It's the only place it can go."

Angela DeVito: "And then also with regard to 391, I know you just spoke to the fact that that's going to be carried over to May 18th, but one of the questions I have with regard to procedurally is that after let's say there is this public hearing and then we get to a resolution, what's the time frame normally for enacting, putting them in place?

I mean, you're talking about striping and signage. I mean what would we be looking at in terms of how long it takes to go from the public hearing, hopefully, to resolution, positive action there, and then to seeing it actually in place? Since this is an issue of public safety. I mean how long does it normally take?"

Supervisor Cardinale: "The hearing would be 5/18. The action would be taken I would hope on 6/1 and I can't imagine that striping

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like this is going to take more than a few weeks."

Angela DeVito: "Does that have to go out to bid or is that in house, all of the striping?"

Supervisor Cardinale: "We do the striping in house. Yeah. I would expect it to be done. Is that a reasonable assessment, Dawn, you may be more familiar than I? But we would pass it at the 6/1 meeting presumably and then I would expect to do that in house and those areas that were passed, would be done within two weeks or so."

Councilwoman Blass: "Actually only four of those sites are not currently striped or signed. All of the others are as a result of prior site plans. They just weren't incorporated into the code yet so they can't enforce or write tickets unless they're listed in that section of the code. So all of those other areas are done already. There are just four that aren't."

Angela DeVito: "And the last piece is on Resolution 393. On the public hearing, it says that please take notice that a public hearing will be held on the 26th day of April, 2004."

Councilman Bartunek: "That's a mistake. It should be May."

Angela DeVito: "Should that be May?"

Councilman Bartunek: "It should be May."

Angela DeVito: "Okay."

Councilwoman Blass: "It will be amended."

Angela DeVito: "All right. I thought maybe I had gained back a month. Thank you."

Supervisor Cardinale: "Okay, good. Yeah, that's fine. Thank you. Any other- Sal."

Sal Mastropolo: "Sal Mastropolo, Calverton. 370, second page, number 3, the second line. It says Town Board for its review and approval pursuant to the site plan and then there's a word proves. For some reason that word doesn't belong there and I'm not sure what should be there. I wrote down approval, but I wasn't- "

Supervisor Cardinale: "Yeah. What page are you on, three?"

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Sal Mastropolo: "Second page."

Supervisor Cardinale: "Second page."

Sal Mastropolo: "Number three, second line, fourth word from the end of the line."

Supervisor Cardinale: "On the covenants you're talking about."

Sal Mastropolo: "On the resolve."

Supervisor Cardinale: "We are talking about- "

Sal Mastropolo: "370."

Supervisor Cardinale: "370."

Sal Mastropolo: "Second page, number three, second line."

Supervisor Cardinale: "I'm looking."

Councilwoman Blass: "It should be approval."

Supervisor Cardinale: "Yes. It should be approval?"

Councilwoman Blass: "It should be approval."

Supervisor Cardinale: "Okay. So you have changed that word? It should be approves, right?"

Sal Mastropolo: "Okay. 376."

Supervisor Cardinale: "Yes?"

Sal Mastropolo: "The now therefore be it resolved, May 17, 2003, should be 2004."

Supervisor Cardinale: "Okay."

Sal Mastropolo: "377."

Supervisor Cardinale: "Yes?"

Sal Mastropolo: "The be it resolved, the next to the last paragraph, I wrote down the question. Are these- what you're doing is you want to eliminate the sunset provisions for LGRMIF and CEF?"

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Supervisor Cardinale: "Yes. It's the sense of the Board resolution doing that. Correct."

Sal Mastropolo: "Okay. My question is are those things being funded by grants and if they are, shouldn't they end when the grants end?"

Supervisor Cardinale: "I think what this is doing, correct me if anybody knows, is that we're saying that we would like these to be continued without a sunset provision as a sense of the Board. And I don't think we control this anyway, right? We're just saying that we'd like them to continue the program without a sunset provision as a permanent grant producing program which we can utilize as local government."

Sal Mastropolo: "Okay."

Supervisor Cardinale: "They'll do what they want to do anyway, trust me."

Sal Mastropolo: "384."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Whereas all bids were received and read aloud on the 29th of May. Didn't happen yet unless they were read last year on the 29th of May."

Supervisor Cardinale: "384."

Barbara Grattan: "It's the 29th of April."

Supervisor Cardinale: "Okay. So we're going to make that April. Thank you."

Sal Mastropolo: "389. I guess I ask a question. What was the bid last year? Was \$80.00 a ton reasonable? Did anybody bother to look back and see what it was or are we getting ripped off?"

Councilman Densieski: "No, that's- "

Sal Mastropolo: "Okay."

Councilman Densieski: "-- it was- I don't remember the exact (inaudible). Tipping fees are going up all over the place."

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Sal Mastropolo: "Okay. 390."

Supervisor Cardinale: "Yes?"

Sal Mastropolo: "You need the time for the public hearing."

Barbara Grattan: "She didn't put the time in all of them. We have them, Sal."

Sal Mastropolo: "Okay. 390 as well, on the article 23, it says 108-117 Uses. It says the Residence RC District Retirement Community, no building, structure or premises shall be used or arranged or designed to be used and no building or structure shall be hereafter erected, reconstructed or altered or occupied unless otherwise provided in this chapter for the following permitted uses. All right. And then it drops down to No. 1.

This is what I find a little confusing and I'm not sure if it's verbage. I tried reading it about five times. One family dwelling units either attached or not designed to provide living accommodations for persons over the age of 55 years."

Supervisor Cardinale: "Either attached or not. In other words, it should be either attached or not attached which are designed."

Councilwoman Blass: "Or a comma, either one would do it."

Supervisor Cardinale: "Yeah. Either attached or not attached comma."

Sal Mastropolo: "What you can add in there to make it a little clearer."

Supervisor Cardinale: "Yeah, I understand."

Sal Mastropolo: "Okay? Because then the next paragraph, No. 2 Accessory Uses, refers back to the paragraph right before it. Okay?"

Supervisor Cardinale: "Okay."

Sal Mastropolo: "Okay. You've got the comment on 393. You got the time there. And that's all I have."

Supervisor Cardinale: "Thank you very much, Sal."

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Sal Mastropolo: "You're welcome."

Supervisor Cardinale: "Any other comment? Yes, Larry."

Councilman Densieski: "Larry, nice job on the book, by the way."

Larry Oxman: "Thank you."

Supervisor Cardinale: "Yes, very nice. Thank you."

Larry Oxman: "You're welcome. Larry Oxman. Just a question on the resolutions that talk about repealing I guess the existing zoning. Is this just procedural at this point so that you have to--"

Supervisor Cardinale: "Yes, it is."

Larry Oxman: "Will it be done simultaneous. In other words, when you adopt the new or will there be some type of a lapse period where there's no zoning?"

Supervisor Cardinale: "Yes, it will be done simultaneously- it will- we anticipate passage of the residential zoning as promised at the June 1st meeting. And so that we would be having the public hearing on the 18th as to the necessary striking of the old statutes and then we'd take a vote on the 1st."

Larry Oxman: "Terrific. Thank you."

Supervisor Cardinale: "Thank you. Any other comment on the resolutions? If not, we'll move forward through them and then take comment generally. We start with 363."

Resolution #363

Councilwoman Blass: "This resolution appoints additional appraisers, they would be Rogers & Taylor. So moved."

Councilman Densieski: "Second the motion."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #364

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Councilman Densieski: "Appoints Auto Mechanic IV Resolution 364. So moved."

Councilman Bartuenk: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski."

Councilman Densieski: "Yeah. This is bad and good. It's bad because we're going to miss Danny in Buildings big time. But it's good for municipal garage because he's going to make a great addition. So I'm going to support it and vote yes."

The Vote (Cont'd.): "Cardinale."

Supervisor Cardinale: "Yeah. Well stated. That's true, I did speak to Mr. Ruthinowski and this is what he wishes and I will vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #365

Councilman Bartunek: "Calverton Community Center project adjustment. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski."

Councilman Densieski: "I didn't support the project so I'm going to abstain."

The Vote (Cont'd.): "Cardinale, yes. The resolution is adopted."

Resolution #366

Councilwoman Sanders: "Or Sanders."

Barbara Grattan: "Oh, I'm sorry."

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Councilwoman Sanders: "General fund budget adjustment. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #367

Councilwoman Blass: "Budget adjustment for the Recreation Fund program budget. So moved."

Councilman Densieski: "Second the motion."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #368

Councilman Densieski: "Approves temporary sign permit of Neal Siegel. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Cardinale: "Moved and seconded. This was - if I recall I'd like to discuss for a moment. There was discussion in regard to this as to the fact that this is a temporary sign that's been temporarily approved, this will be the third time and there was some discussion as to whether we should do that particularly in view of the fact that every one of our permits says the sign permit shall expire six months after issue. Is that the one?"

Councilwoman Sanders: "Yes, that's the one."

Supervisor Cardinale: "Okay. So we left it in the approval but we'll vote as we see it. Okay. We have it moved and seconded?"

Barbara Grattan: "Yes."

Supervisor Cardinale: "Vote, please."

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The Vote: "Bartunek, no; Sanders, no; Blass, nope; Densieski."

Councilman Densieski: "This gentleman is trying to sell his property. He went through the process of getting a permit. If he sold the property, he wouldn't need to come back and buy another permit and ask us permission."

And one of our other objections is that we don't like phone numbers of temporary signs. Let me read you this sign. Sale lease medical office. Will build to suit. Now what would you do if you drove by and want to buy that? I'm going to vote yes to support this."

The Vote (Cont'd.): "Cardinale."

Supervisor Cardinale: "I'm going to vote no. I have reservations about the length of it as a temporary sign."

Barbara Grattan: "Okay. The resolution is denied."

Resolution #369

Councilwoman Sanders: "Approves site plan of David Wilmott for a temporary motor vehicle storage. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #370

Councilwoman Blass: "Approves the site plan of Peter Danowski, Jr. So moved."

Councilman Bartunek: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #371 through #375

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Councilman Bartunek: "Appoints a beach attendant/concession stand operator I to the Riverhead Recreation Department. So moved."

Councilwoman Blass: "And seconded. And if there's no objection, 371 through 375 are all appointments in the Recreation Department. Do we want to take them as a group?"

Supervisor Cardinale: "Yeah. We can move them all together."

Councilwoman Blass: "Second Resolution 371 through 375."

Supervisor Cardinale: "All right. Moved and seconded 371 through 375 including 375. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolutions are adopted."

Resolution #376

Councilwoman Blass: "This resolution requires the amendment of 2004 in the Resolved- "

Supervisor Cardinale: "And as amended."

Councilwoman Blass: "As amended appoints temporary clerks to the Tax Receiver's office. So moved."

Councilman Bartunek: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #377

Councilwoman Sanders: "This resolution is for support for the elimination of the sunset provisions of the local government records management improvement fund (LGRMIF) and the cultural education fund (CEF). So moved."

Councilman Densieski: "Second the motion."

Supervisor Cardinale: "Moved and seconded. Vote, please."

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The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted.

Resolution #378

Councilman Densieski: "Adopts a local law to amend Chapter 14 entitled Community Preservation of the Riverhead Town Code. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted.

Resolution #379

Councilwoman Sanders: "Adopts a local law amending Chapter 52 entitled Building Construction of the Riverhead town code which deals with permit fees, increasing them from 45 to \$100.00. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski."

Councilman Densieski: "Reluctantly, yes."

The Vote (Cont'd.): "Cardinale, yes. The resolution is adopted.

Resolution #380

Councilwoman Blass: "Ratifies the authorization for the Supervisor to execute an agreement with New York State Department of Agriculture and Markets property of Harbes and Kujawski. So moved."

Councilman Bartunek: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted.

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Resolution #381

Councilman Bartunek: "Reduces the performance bond of the subdivision entitled Equestrian Estates (Camp Brothers). So moved."

Councilman Densieski: "Second the motion."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #382

Councilman Densieski: "A resolution authorizing the Supervisor to execute a water service contract with Tom White with the Riverhead Water District. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #383

Councilman Bartunek: "Accepts the resignation of a provisional account clerk typist. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #384

Councilwoman Blass: "This resolution awards a bid on a portable asphalt/milling and trenching machine with transport trailer model AZ480-C or equal. So moved with the correction of the bid award in April. The date was wrong, 29th day of April."

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Councilwoman Sanders: "Right. That's correct. Moved as amended."

Councilwoman Blass: "Moved as amended?"

Councilwoman Sanders: "Seconded."

Supervisor Cardinale: "Moved and seconded as amended. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski."

Councilman Densieski: "I hope they use it on Middle Road. Yes."

The Vote (Cont'd.): "Cardinale, yes. The resolution is adopted."

Resolution #385

Councilwoman Sanders: "Authorizes attendance at an economic redevelopment conference. So moved."

Councilman Densieski: "Second the motion."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #386

Councilman Densieski: "Authorization to publish an advertisement for snack vendors for 2004 and 2005. So moved."

Councilman Bartunek: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #387

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Councilman Bartunek: "Awards bid for snack vendors. So moved."

Councilman Densieski: "Second the motion."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #388

Councilwoman Blass: "Authorization to republish an advertisement for 23 foot pump out boat. So moved."

Councilman Bartunek: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #389

Councilman Densieski: "Awards bid for municipal solid waste. So moved."

Councilman Bartunek: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #390

Councilman Bartunek: "Authorizes the Town Clerk to post and publish public notice for a public hearing regarding a local law to amend Chapter 108 entitled Zoning (Retirement Community District) of the Riverhead Town Code. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski,

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yes; Cardinale, yes. The resolution is adopted.

Resolution #391

Councilwoman Blass: "Authorizes the Town Clerk to repost and republish public notice of a public hearing to consider a proposed local law for an amendment to Chapter 101 entitled Vehicles & Traffic of the Riverhead Town Code (no parking fire zones/lanes). So moved."

Councilman Densieski: "Second the motion."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #392

Councilman Densieski: "Authorizes the Town Clerk to post and publish a public notice for a public hearing regarding a local law to repeal certain sections of Chapter 108 entitled Zoning (Agriculture A District) of the Riverhead Town Code. So moved."

Councilman Bartunek: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #393

Councilman Bartunek: "Authorizes the Town Clerk to post and publish public notice for a public hearing regarding a local law to repeal certain sections of Chapter 108 Zoning (Residence A, B, C & D) of the Riverhead Town Code. So moved, as amended."

Supervisor Cardinale: "Moved and seconded. I don't think I have a second. Do I?"

Councilwoman Blass: "Yes."

Supervisor Cardinale: "Okay, now I have a second. Moved and seconded as amended and that date would be 18th of May, 2004 on the notice."

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Councilwoman Blass: "And on the resolution itself, May 6th.
Two dates."

Supervisor Cardinale: "And the resolution itself would be in
the May 6th edition of the News Review."

Councilwoman Blass: "In the May 6th edition of News Review.
Right."

Supervisor Cardinale: "With those two amendments, moved and
seconded. Vote, please."

Barbara Grattan: "Okay, May 6th. And what was the other one?"

Supervisor Cardinale: "On the notice itself, it would be the
18th day of May."

Barbara Grattan: "Okay, got that."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski,
yes; Cardinale, yes. The resolution is adopted."

Resolution #394

Councilwoman Blass: "Authorizes the Town Clerk to publish and
post a public notice of public hearing regarding a local law to
repeal certain sections of Chapter 108 entitled Zoning (Recreational
Zoning Use District) of the Riverhead Town Code. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski,
yes; Cardinale, yes. The resolution is adopted."

Resolution #395

Councilwoman Sanders: "Authorizes the Town Clerk to post and
publish a public notice of public hearing regarding a local law to
repeal certain sections of Chapter 108 entitled Zoning (Redevelopment
Community District) of the Riverhead Town Code. So moved."

Councilman Bartunek: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

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The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted.

Resolution #396

Councilwoman Blass: "Authorizes the Town Clerk to publish and post notice to bidders for Carriage House interior renovations. So moved."

Councilman Bartunek: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted.

Resolution #397

Councilman Bartunek: "Appoints a temporary secretary to the Board of Assessment Review. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted.

Resolution #398

Councilwoman Sanders: "Authorizes the Supervisor to execute an agreement with the Riverhead Volunteer Ambulance Corps, Inc. So moved."

Councilman Densieski: "Second the motion."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted.

Resolution #399

Barbara Grattan: "Resolution #399 to pay bills."

Councilman Densieski: "Motion to pay bills. So moved."

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Councilman Bartunek: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Supervisor Cardinale: "That concludes the resolutions. I should also note that for the record in regard to public hearings, the hearing that I had adjourned over on the Rosen matter, which was the- which was the antenna, by request of the applicant has been adjourned to the June 1st meeting. And all of those who wish to be present were notified of that. And that's why I guess they didn't come. So June 1st for the continuation of that hearing, the Rosen antenna hearing on the Sound."

Okay, we're taking comment now from those who wish to comment on any matter before the Board. Yes, Sal."

Sal Mastropolo: "Sal Mastropolo, Calverton. First of all, relative to channel 22, the quality is getting better. The only problem that I find is when somebody doesn't speak up or they don't use the microphone."

Supervisor Cardinale: "Yeah."

Sal Mastropolo: "Okay. I was watching the- one of your work sessions where that consultant was recommending, I guess, getting someone to come in and professionally film it and produce it."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Okay? Has anybody given any consideration to going to Suffolk County Community College or Five Towns College and asking to see if they wants students to run it and make it part of a course?"

Supervisor Cardinale: "Yeah. We're exploring that and that's a very good idea. And in reference to your initial comment, I might also add that as of I think either one week or two weeks at maximum, we're going to have the new mikes. They're going to be wireless mikes and they will help us not only in the work sessions, but also in the public meetings. So they should be in within the next two weeks."

Sal Mastropolo: "Okay. Another comment. On my way here

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tonight, it was about 10 to 6 and I was coming across Osborne and I got to Middle Road and Osborne was closed off at Middle Road, so I hung a left and went up to the next stop sign. I was going to make a right but that was closed off, too, with cones. So I continued down Middle Road and came out on Roanoke.

I guess my concern is I don't know if they were still working, okay, at like 10 to 6. If they weren't, there were no flares or no of those old oil pots- "

Supervisor Cardinale: "Yeah."

Sal Mastropolo: "-- that light up at night. So if those roads are closed because maybe some ditches are open, somebody should be putting some kind of lights at those intersections, otherwise somebody is liable to blow right through those cones and possibly get hurt."

Supervisor Cardinale: "I think the police chief is still here. In fact, he's just walking in. And Ron- Ron is here, too, from the Highway Department. Could somebody check that tonight?"

(Inaudible - from the audience)

Supervisor Cardinale: "Yeah, but lights aren't."

(Inaudible - from the audience)

Supervisor Cardinale: "That's LIPA? They're a big disappointment, LIPA. They're becoming the LILCO of the new era."

Sal Mastropolo: "The only thing that was there tonight was about a half a dozen cones on each of the intersections, okay?"

Supervisor Cardinale: "Yeah. Could- Dave, Chief- "

Councilman Densieski: "I think it's actually, Phil--"

Supervisor Cardinale: "Yes."

Councilman Densieski: "I think it's actually their representative which is Hawkeye."

Supervisor Cardinale: "Hawkeye is their- would you check the location was Osborne and Middle."

Sal Mastropolo: "Yeah. Osborne and Middle and Horton and

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Middle. Okay?"

Supervisor Cardinale: "You've got cones without lights."

Sal Mastropolo: "Going south was closed."

(Inaudible - from the audience)

Sal Mastropolo: "Yes. Well, it was still closed at 10 to 6 tonight and my only concern is if it's going to be closed overnight, there should be lights there, not just cones."

Supervisor Cardinale: "Okay, thank you, I appreciate that."

Sal Mastropolo: "Okay, last but not least. At every Town Board meeting we report, you know, Tax Receiver, Town Clerk collected "x", "y", "z" dollars. I don't recall ever hearing the fees collected by the town sewer plant. How much do we collect annually and should we be reporting that on a regular basis, like monthly or quarterly?"

Supervisor Cardinale: "Is Michael here? Michael Reichel, the- we'll take the next one. Do we report the water district revenues, Gary? We have the water district chief here."

Barbara Grattan: "Yes, we do."

Councilman Bartunek: "Sewer, isn't that included in your property taxes?"

Sal Mastropolo: "No. I'm talking about like when a honey truck goes in and drops off 3,000 gallons."

Supervisor Cardinale: "Yeah."

Sal Mastropolo: "I know as a customer, I pay him "x" amount of dollars for dump fee."

Supervisor Cardinale: "Scavenger waste, yeah."

Sal Mastropolo: "Right."

Supervisor Cardinale: "We do, in fact, report districts in the water district revenue?"

Jack Hansen: "Through our billings, water bills and service intakes. In other words, when someone pays for a hookup fee, all of

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that is sent down to our central cashier which is the tax receiver, and that's recorded, I believe, in the monthly report."

Supervisor Cardinale: "Okay."

Jack Hansen: "Part of her total intake."

Supervisor Cardinale: "But sewer is not? Is that correct?"

Barbara Grattan: "No, I have nothing."

Supervisor Cardinale: "I'll look into that, Sal. You are talking also about scavenger waste, right?"

Sal Mastropolo: "I'm talking about when the honey truck goes in and dumps 3,000 gallons."

Supervisor Cardinale: "Okay."

Sal Mastropolo: "He pays for that. I know I as a customer pay him to pump it as well as to- "

Supervisor Cardinale: "So he has to pay to dump, yeah."

Sal Mastropolo: "-- pay a dump fee."

Supervisor Cardinale: "I'll check that. Jack, to you want to- or you have an answer maybe."

Jack Hansen: "The scavenger waste district is reported in the tax receiver's report with the water district receipts and the scavenger waste. As far as the sewer, we're talking the various fees he collects. He may collect \$1,000 in the entire year. So it's not a material number."

Supervisor Cardinale: "Well that's not entirely true if they collect an impact fee on Route 58 or they- or a hookup fee, they can collect some big fees for the sewer district, like for a laundromat."

Jack Hansen: "You- as far as a plan where the engineers are going to come into play, that's a totally different issue. What I'm saying is a regular fee. The sewer district is not like the water district where they collect every month. We send bills out every month. The sewer district does not send bills out every month."

Supervisor Cardinale: "They collect it as part of the tax."

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Jack Hansen: "Because it's part of their tax."

Supervisor Cardinale: "Okay, I understand that."

Jack Hansen: "The scavenger waste is another issue and that is reported in the tax receiver's report."

Supervisor Cardinale: "Do they break it out?"

Jack Hansen: "They do."

Supervisor Cardinale: "Okay. So that we would see it here. Okay, thank you very much. Okay. Yes, Phil."

Phil Barbatto: "Phil Barbatto, Jamesport. Thank you, sir. I just had a couple questions on the application that's been received on Lakeview at Jamesport."

Supervisor Cardinale: "Yes."

Phil Barbatto: "Is that a matter that will be decided by the Town Board or are there other departments or boards that are involved?"

Supervisor Cardinale: "Well, my present thinking on that, particularly in view of the fact that we've mapped the Retirement District now, is to take it up at the work session on Thursday and ask the Board whether they wish to or do not wish to entertain the zone change application."

I believe we have absolute discretion in regard to a zone change application and it seems rather foolish to entertain a zone change application for a retirement district overlay when we're not going to have an overlay district. And that the only place where retirement district is going to go is the- on Middle Road as described by Councilwoman Blass.

So I would think that that would be discussed and possibly decided Thursday. But, as I said, it doesn't make much sense to entertain a -- an application to place an overlay district in a spot in Jamesport when we have just enunciated our policy intention not to have overlay districts.

We don't have an overlay district to put in Jamesport, therefore, I think we can safely state at least as of June 1st, right,

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that this is not going to go too far."

Phil Barbatto: "So it is a Town Board decision and you'll take it up on- "

Supervisor Cardinale: "Yeah. It is a- a zone change is absolutely a Town Board decision always."

Phil Barbatto: "Thank you."

Supervisor Cardinale: "Thank you. Any other comment by any member of the public? We'll take that and then, Bob, you had a comment? Okay. Please come up."

Carla Esposito: "Good evening. My name is Carla Esposito. I'm in the Southampton township but I've been before the Board before telling you for 16, 17 years I've been trying to move into this town and I find it impossible but I think I have a right to speak here, just because I've been trying to move in here."

Supervisor Cardinale: "Sure."

Carla Esposito: "My kids go to school here, I work here. All right. I have a few things, please, to say. Four way stop sign at Roanoke and Mill Road, I think would be very good. No traffic light there because you're going to end up with it being green when no one's there, red, people sitting there waiting. It's ridiculous. We're all adults. We know how to- four way stop and go.

Signal light at Ostrander and Middle Road? Yes. Because people on Middle Road are not coming to the Ostrander and let them get out. They need a signal light there. They need sidewalks also along Middle Road, at least by John Wesley, to Middle Road. There's a bunch of senior citizen type people I see walking there on the shoulder of the road with canes and everything and cars whizzing by and then even going down east towards Tall Oaks and Twin Bear, there are kids that go to Mercy and they have to walk home to those developments because they're within the criteria of bus service. They live too close. Give them a sidewalk. It's windy road. There's no shoulder. Cars whizz. Definitely need sidewalks.

Telephone Street. I heard an owner put a letter to the editor or something pleading when people come up and ask, help, open up Telephone Street. I use that street for 16 years. I was amazed to see that the first house on Roanoke and Telephone put up a stockade fence, people can't go through anymore. That's not right. It has to be accepted that that's been a street always. There's some precedent

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with many years of use that the street is accepted and you have to put it back to a street."

Supervisor Cardinale: "Barbara, rather Dawn, that- I believe we did look into that. Is that a public town highway or not?"

Carla Esposito: "It may not be paved but it's been an accepted thoroughfare."

Dawn Thomas: "It's currently considered private. I have the- one of the complaining property owners coming to my office on Thursday for a meeting."

Supervisor Cardinale: "Okay. We're looking into it to verify whether- that issue, the one that you're raising, whether it's a public thoroughfare."

Carla Esposito: "Well, I hope that municipality here will be on the side of the complaining property owner. Whatever the legal definition is that if a pathway has been going through their property for "x" amount of years, it becomes a pathway. Tough luck, you lost it as private property. I definitely want you to pressure in that direction.

Water district. Is that part of the municipality?"

Supervisor Cardinale: "Riverhead Water District is a part of the- yes."

Carla Esposito: "Because they were selling some parcels of land. Has that happened already?"

Supervisor Cardinale: "On occasion they do if they have excess properties. I don't know if there's anything being sold right now."

Carla Esposito: "Well, this is going back maybe two months, and you're saying if they. Why wouldn't you know if you're the boss over the whole municipality and all the departments in it?"

Supervisor Cardinale: "Because I wasn't here. I haven't sold anything since I've been here."

Carla Esposito: "No. No. This is going back two months when I was- I was here probably in January, end of January meeting."

Councilman Densieski: "Sean's working on that right now."

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Supervisor Cardinale: "What's he doing with it?"

Councilman Densieski: "Yeah, looking at- excess it as excess property."

Carla Esposito: "Well- "

Supervisor Cardinale: "We have a piece of property on Reeves which we're discussing with our counsel as to whether or not we wish to sell it. But as far as I know, we haven't sold it."

Carla Esposito: "Well, particularly what I wrote down here up in Reeves Bay Park there's a nice of parcel of land that could be divied up to four plots because that's the size land that the people have up there and, excuse me, and I would wish that four small houses, there are small houses in that neighborhood.

Now if New York State demands that you make a minimum of a thousand square foot house, if you petition for something smaller for some variance to that, or you make a thousand square foot house and you get a darn contractor that will build it for \$40,000 or real close to it. All right? Because it doesn't cost that much to build houses. And then on that you make these affordable houses with a 50 year cycle where they- whoever lives in it, you can add \$1,000 a year to the price of that house for 50 years. So if you got a \$40,000 house, in 50 years it's worth \$90,000 but the next year, boom. It goes back down to \$40,000. So they stay forever affordable. That's the kind of deed I want to see put on it.

Three other things. At the January meeting that I came to, I requested that the municipality create some sort of law that would confiscate downtown property, buildings, that are vacant or sporadically rented at a two year interval because these owners have an obligation to fill this space and make the town alive.

Either take it away from them or put some fire under their butt and get stuff in these windows.

Also, please if you could, eminent domain, some of the hospital parking lot that we can have an in/out egress, a thing to Produce Warehouse parking lot, TJ Maxx, down on the north side up there and a last statement, please.

Our society or society in general is no longer chiseling out a civilization from the wilderness, so zoning as done now is time consuming and burdensome. And I really think the municipality,

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people and officials, should embrace just the continuity of design. If there's houses, next door you put houses if there's a vacant lot. If there's stores, you put stores.

And with the continuity of design you can have sporadic jumps, oh, we need a deli here, or you need a deli there, you know, for convenience of the residents. But zoning seems, it's ridiculous to waste- you're paying for applications, for variances. Just skip the stupid zoning. Just put a continuity of what's already out there."

Supervisor Cardinale: "All right. Thank you."

Carla Esposito: "Thank you."

Supervisor Cardinale: "Thank you for your thoughts. Bob, do you- Rob Pike, do you have a comment?"

Robert Pike: "Good evening, Robert Pike, 138 Ostrander Avenue. What I'd like to do is take this time to present my comments on the master plan hearing of last Monday and I think I was- it was remarkable to me as how silent I was for a subject that I care so passionately about."

Supervisor Cardinale: "I was surprised, too, Rob."

Robert Pike: "Yeah. But I found myself, as I think you may find yourself, on the horns of several dilemmas and since you know I'm insanely jealous of you folks being able to vote on this, I thought I would share with you tonight in a calm and rational environment what I do- what my advice to do would be to you if I were lucky enough to be sitting up on the dais.

Since this is a formal proceeding, let me just for the record remind you that I'm a former Town Councilman and a former professor of environmental law at Long Island University. My specialties in law are environmental protection, land use planning and zoning. My senior thesis at law school was the subject of farmland preservation in the township of Riverhead.

During that time, I got to know various programs including large lot zoning and transfer of development rights. During my tenure as Town Councilman, I was the author of quite a few of the zoning codes that are still in the code and several that are not. Those that made it in, the natural resource protection zone at four acre was put in. I am familiar with the controversies and pressures that you feel.

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I had a chance to talk to our newest Councilman last night and he used a word last night that I was thinking about and he says, I'm looking for you know a reasonable compromise and one of the things I can do because I'm not running for anything is to come up with other ways of thinking about things that aren't particularly popular or politic. Actually I'll probably aggravate just about everybody who spoke who listens to what I say tonight because I had the consistent experience that people were arguing things that were not in their own best interest and didn't know it.

And I found that to be true of both the farming community and of Mr. Amper's group. And the word that I think is better than compromise because compromise assumes that they know what they really need and what's really in their best interest. And I think what you have to do as a Town Councilmen is to make your own decision as to what's in the overall best interest and synthesize rather than compromise the best of what people are talking about into an optimal solution.

And sometimes that means letting certain things that are wrong not be part of the solution.

I'm going to say at the outset that while I'm glad that you have made moves along these lines to decrease the amount of TDR's that are available, transfer of development rights are available, you have done so in a way that threatens the entire program.

It is (inaudible) book law, basic fundamental black letter law that a town zoning code must be quote in accordance with end quote a master plan. And to the extent that you are fundamentally changing the outline, the structure of the zoning from that that is specifically laid out in the master plan, you are creating a major legal trap that is easy to fall into but you should not.

And the trap is, is that people who oppose this, any affected property owner, a minority of one, could stop the whole thing dead in its tracks, particularly TDR, by litigating this and we all know that litigation can take years and years and years. Everything about the market that we are affecting is time sensitive. You should not allow that.

So to the extent that you are going to implement programs in law that are inconsistent with specific provisions of the master plan, you must have a hearing to change the master plan to reflect your current- and I would say, more progressive thinking on that. And I encourage you before you make TDR's go live, that you must amend the

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master plan if you are thinking of changing the number.

To the extent that there are any fundamental changes, you must amend the master plan. There's a very good reason that most of the progressive people thinking about this will like because if it's this easy to change the plan by legislation of three- a vote of three majority of the Town Board, it's easy to undo it that way and I think that is something that I have consistently argued against.

This should be two things. It should be simple to do and hard to change. At a minimum, you'd have to amend the master plan to reflect your new thinking. And I think you should post a hearing to do that if you're attempting to change the ratio before you go live. We'll come back to that subject.

But it must be in accordance with the master plan and that master plan should be changed. If that's harder, it should be harder and I encourage you do it lest you fall in the trap of letting a minority of one stop the whole thing by litigating.

I understand you're having some hearings and they focus on the residential zones. I note you're doing that with the zoning code. You're undoing the old to impose the new.

And I have a second fundamental concern about the system that you're putting in place. It has to be simple and practical. This is in real estate. In other words, people who practice in real estate have to find it simple. Who does all of the real estate around here? It's fellow members of the Bar.

And despite all appearances, I'm still a member of the Suffolk County Bar Association. I get all the notices as to what they're teaching about. There has never to my knowledge been a class in the transfer of development rights in the pine barren program in the entire history of the Suffolk County Bar Association. So that the members of the Bar who are supposed to do these things, are unfamiliar with which the system that they're supposed to simply enable them to do it. I know I've never gotten a thing from the Bar Association saying here's how we do it.

Here's the problem. Mr. Amper will admit that his infamous transfer of development right program has not been particularly effective at transferring development rights. Why is that? It's not simple. It's not clear. It's not familiar to the practitioners of the art. There's this whole registration system. It's like we're going back to the Torrens system. That's an in joke for lawyers, you

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know. Phil probably getst, nobody else will but it's an old registration system for real estate.

This legislation that you have proposed is not simple. It is not clear and it is based on a model that has transferred less than five percent of the potential development rights in the pine barren.

The better model is the transfer of development right program that is used in Montgomery County, Maryland. They've had their ups and downs but according to a 19- no 2001 study done by the American Farmland Trust, they transferred in all of the history of their program, over 40,000 acres of developable farmland into their TDR program into receiving areas. They did it with deeds. Deeds are something lawyers know. They're simple. They are a fileable interest in real estate. The practitioners understand them and I encourage you to revise and change the TDR program so it's modeled instead of on one that is not simple and does not work to one that is simple and familiar and does work.

The next comment has to do with the value of TDR's and how we can effect them. The transfer of development- transferrable development rights, the right- let's start with just the right to move a single family residential building or to build one in some other place, is determined not by the sending area, that's where it's paid for, but by the receiving area.

Your program does not make that a particularly valuable object. Why? Because there is no clear right to transfer the development right in. You paid for a study done by James Nicholas, July 15, 2002, and page 25, Keys to a Successful TDR Program, this is your own consultant. A defining difference between successful and unsuccessful TDR programs is whether the increased development in the receiving area is by right.

He goes on and explains why this is a good idea and I will, too, but I'm quoting him now. For economic and legal reasons, increased density TDR must be by right in the receiving areas. If Riverhead cannot make this commitment, then a TDR program may be ill advised at this time.

Well, it's a good time to do a TDR program but I think you've got to do it right. This is the biggest political challenge you face in implementing the master plan because you're now going into the residential receiving areas and saying there's one level that you can get if you don't have TDR's and there's another level you can get if you do. That is how it's done in Montgomery County.

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It's a little more sophisticated than that and I would recommend this sophisticated change to it. It's a presumption. It's a presumptive right that can defeat it if the terrain is not there or you're talking about 45 foot- 45 degree slopes or something, it's all wetlands. The presumptive can be defeated but somebody who wants to pay for a TDR should know that he has the legal right to take this and move it to somewhere else in the Town of Riverhead and as soon as he does that, he's going to move it to all of the more valuable places that were convenient or simple places for it to be and TDR's will start running. If you don't do both of those things, TDR's will stay where they are, going nowhere, because we have a TDR program that for all of these reasons to this day does not work.

I realize I'm showing you my less emotional, more policy side here and you'll forgive me because I want to see this work. We are the one place on eastern Long Island- the east end of Long Island, that really has enough elbow room, has the water supply, has the potential for a really sophisticated series of waste treatment systems to use TDR. There are good places for doing that.

I think we can take the lead in the Peconic biosphere, agrosphere, if you will in the center of the critical mass of farmland if we do these things, but I think if you don't make those two fundamental changes, you are doomed to have accomplished a headline and a little else."

Supervisor Cardinale: "Bob, I have a question. In principle, I think we are all sitting up here agreeing that the receiving area has to be by right, the right to utilize the TDR. Why do you think it is not of right in our program?"

Robert Pike: "Okay. If I missed something. My understanding was that the Planning Board had total discretion over how many actually went in, the number that went in."

Supervisor Cardinale: "That's not what I understand. Barbara, you may want to speak to that."

Councilwoman Blass: "The Planning Board would have to accept a yield map based upon the current zoning, which in that case north of Sound Avenue for the most part is two acre except in the R-40 Districts, and then whatever that is could reasonably be doubled."

Robert Pike: "You added the word reasonably."

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Councilwoman Blass: "Well, if the Planning Board determines that the yield for argument sake is 20, as long as you respect the clearing limits that are required and the setbacks that are required from Sound Avenue and all of the other subdivision issues, the land- you should be able to cluster such that you could accommodate forty."

Robert Pike: "And see you keep using that fuzzy word, should be able to, and as of right means you can."

Councilwoman Blass: "Right."

Robert Pike: "And I just want to be clear that that's what the experience of a real estate attorney will be because it's so rare."

Councilwoman Blass: "The discretion is going to be what the yield is before the transfer and whatever the yield is before the transfer, if it's 20, it would go to 40 with all of the other subdivision rules kicking in. As long as that happens, yes."

Robert Pike: "Well, it's counter intuitive to me because what the yield can be is often affected by the very things that wouldn't affect putting 20 but might affect 40."

Councilwoman Blass: "No. Well, they have setbacks now. They have maximum clearing limits which would be posed first. You can't build over here, you can't build over here. Here's your buildable area. Divide that by two acres and that's your allowable yield under current zoning. You can transfer in twice, you know, double that by transferring in. That's conceptually the way it's supposed to work."

Robert Pike: "Okay."

Councilwoman Blass: "I'm surprised that it's not interpreted that in the reading of the language."

Robert Pike: "Then let me just amplify what I'm saying by hoping that you're correct, that they don't run into what trips a lot of TDR's."

Let me give you a scenario. One of the reasons I like the idea of using deeds rather than some sort of permission slip from the Planning Department is that you would be encouraging the investment in TDR's so that not only the town would be in the PDR banking business which New Jersey has done successfully and actually profitably, but that people might find that, you know, the right to build in Riverhead is a useful thing, a valuable thing, something

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that they'd be willing to buy so that they could not be returned into.

That person is going to want to know to a constitutional certainty that he has a place, a reasonable economic return for that, that he can use it somewhere, that does not- because of these limitations wherever they come up constitute a taking, so that this even more clearly amplifies the problem or makes clear the problem that you have to have more receiving than you have sending. There has to be a spot for everyone of those things that's detached or to attach or you will have a constitutional taking problem on your hands."

Supervisor Cardinale: "Well, I don't understand how you can have a constitutional taking problem. If maybe you could-"

Robert Pike: "Somebody buys the right to develop in the Town of Riverhead and pays \$40,000- \$20,000 for it and it turns out that there is no place that he could move it into, as of right-"

Supervisor Cardinale: "I would have thought that he would have thought of that before he bought it."

Robert Pike: "That's the problem is that lowers the demand, that lowers the market. My whole point is this thing is driven by the demand in the receiving areas. He shouldn't have to think about it. He's buying a right to build not an option, not a possibility. He's buying the right."

Supervisor Cardinale: "But he knows the receiving areas because they're all mapped. And incidentally as to residential receiving areas, it's obviously not going to be- you have 3500 rights coming off, if at .65, you only have 1600 residential to begin with so we can assure him that he's not going to use them all residentially. So then you go into the commercial and industrial side and there's plenty of areas that will be receiving areas for that as well.

So I see the real key here as whether that's a viable market, the commercial and industrial."

Robert Pike: "Right. And as- "

Supervisor Cardinale: "Because I know the residential's viable."

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Robert Pike: "And I'm sure it is, too. The Last Chance Coalition does make a good point. The solidity and the viability of commercial or industrial receiving has yet to be demonstrated anywhere that I'm aware of."

Supervisor Cardinale: "That's right. That's the kicker."

Robert Pike: "And you don't have enough receiving areas until it actually starts working."

Supervisor Cardinale: "Yes. And then the ratio is going to go up to make it work. If it doesn't work at .65, you go up."

Robert Pike: "The other- just fundamental points I wanted to make. There was this idea that PDR's and TDR's would somehow hurt each other. It is true that an imposition of a PDR program in Washington drove up the value of TDR's. I didn't hear any of the landowners complaining when they did that. But I think that this is a good, you know, mechanical hands on approach, having both of them in play.

It will enhance each other. As far as I'm concerned, you can take the two programs, keep them going and race them against each other and, in fact, think of it that way. You know, which one works. And start a competition- this is a good racing town. We should let them race against each other. That's a good thing in this case.

My final structural concern has to do with the lifting of moratoria. I very much believe that you cannot lift the moratorium on subdivision in the farmland until (1) the new zones are in place for sending and receiving. But in addition to that (2) all of the other TDR receiving are in place and allowed to run simply and effectively.

Now this will be the first really controversial thing I've said. I think you should not lift the moratorium on on site development in the farmland until at least six months after all TDR receiving has been put in place so that both PDR and TDR have had time to get running, they've had time to preserve the core farmlands, that they're the only option for getting your equity out of either PDR or TDR and then sometime down the road, like six months which would be a reasonable period, to let them start running.

You then, and only then, would lift the moratorium on subdivision in the agricultural protection zone."

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Supervisor Cardinale: "Well, that's really an extension of the concept which has resulted in our not passing the TDR until we do so simultaneously with the September 30th implementation of the commercial rezones. You're just extending that, saying you think it should be six months after that."

Robert Pike: "I do. And I applaud you for that. I was happy to hear it when you said it during the hearing."

Supervisor Cardinale: "Yeah."

Robert Pike: "But life is a question of alternatives. We are creating two equity liquidating alternatives for the farmers and the farmland. They like both of them. Proof is in the pudding and I think they should be the only alternatives for a reasonable period of time so that their option is to become familiar and take advantage with PDR, to become familiar, to take advantage of TDR, and to get this up and going."

No matter what you do, you are going to face a fundamental- another fundamental political problem which is that some subdivisions are going to get built, some clusters are going to get built, and while you may be saving 70 or 80% of the farmland, people will not perceive that. All they'll see is the change which is the development and while in sheer land mass, that's a success, politically it's not, and you know, I travel enough and what the other towns are doing to watch the beatings they take over the farmland subdivisions there to know that you should really try to get it all out first. So I do recommend that you hold the moratorium for an extended period of time on subdivision in the APZ so TDR and PDR can run.

Generally speaking, you are in a new era. When TDR's first came up in this town I think appropriately had a cartoon on the back wall of my office where there was this big mechanical monster about eight feet tall and a little kid introducing it to everybody saying this is my new pet. The label on it was TDR. That both- that the farmers have come to realize that it has worked in places like Washington, in Maryland, in Michigan and that it can work here unlike the pine barrens system, that we are at an historic point where it can be done. But TDR receiving as of right, fair and simple, familiar to the practitioners of the art.

I really think the registration system is a mistake. I think you should go to deeds on transferring them. It's familiar. It's simple and if you do all of those things, you might actually achieve

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the goal of preserving the farms."

Supervisor Cardinale: "Thank you very much for your thoughtful comments. I'd like to talk- discuss them a little further as well. And you'll be please to know, Rob, that on your first point we are already discussing that. On your second point, we will discuss the better system. On your third point, what you want is exactly what we want. It's just a matter of getting there. And on your fourth point, we're in the same thought pattern. It's just that we haven't thought about the extra six months. So, I appreciate your thoughts.

Anyone- yes, Larry."

Larry Oxman: "I didn't intend on speaking but Rob brings up a good point and what I had outlined in the- some suggested changes. It does say as far as TDR's by a number at the discretion of the Planning Board. It doesn't talk about what is as of right. And I fully understand what the intent is.

And just to share this with you, I have been asked by builders who are looking at some property that may be in the receiving zone, can they go out and do this as of right. You know, and I haven't been able to- "

Supervisor Cardinale: "But what Barbara said is instructive. She's saying, yeah, there's discretion, but the discretion would be as I understand it in the determination of the yield initially. What is not in the discretion of the Planning Board is that if you have 18 yield on the piece, you're going to get, you are able to get up to 36 by the utilization of the TDR's. That's not in the discretion of the Planning Board.

What's in the discretion of the Planning Board is considering the topography and other factors, what's your yield. What's your base yield. Is it 18 or is it 20? But whatever get, that's the only discretion. It's not that you could buy 18 and only use 14. You've got- you're going to use- you're going to be able to double on each of these pieces your determined yield before- if TDR's were not existent."

Larry Oxman: "I fully understand the intent. I clearly think it doesn't say that there."

Supervisor Cardinale: "We'll make sure the language gets there."

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Larry Oxman: "And the pine barrens regulations talk about as of right and some of the other towns, Southampton town and I think Brookhaven town when they say when you're transferring development rights and pine barren credits and it's an as of right yield, obviously wetlands would be discounted and other certain slopes if they're too steep. So that might discount where you could put the TDR's."

Supervisor Cardinale: "I have a question. Do you understand the pine barren program? As Rob said, nobody I know does, because it is a little complicated. It's my understanding that the residential pine barren credit is worth about \$80,000 in certain instances at the most recent."

Larry Oxman: "It depends where. I mean Brookhaven town, this past year and I don't understand why, but this past year or should I say 2003, credits sold ranging from \$40,000 to \$80,000. So there were some that sold at 80; there were some that sold at 70; there were some that sold at 40. And the ones that sold at 40 were after the ones- were very close to the same time so I don't know why."

Supervisor Cardinale: "The reason I asked that is why if every lot around here, every additional lot is going to bring in 200,000 or better, why would- I don't understand why the transfer of development right which would allow a lot, wouldn't bring much bigger numbers."

In other words, if I can develop a piece in a receiving area for eight lots instead of four, I'm going to make a lot more- I'm going to make for each of those additional lots over \$200,000 in this market. So why would I only be willing to pay \$40,000 for that development right?"

Larry Oxman: "Well- "

Supervisor Cardinale: "I don't understand that."

Larry Oxman: "There are many things that affect the price. One might be that you're actually starting to build smaller lots than you might- if you did the transfer of development rights."

Supervisor Cardinale: "Yeah, but most people-- we're talking about lots that are only going to be a half acre at the smallest in the one acre zones- "

Larry Oxman: "Well, I'm hoping even smaller."

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Supervisor Cardinale: "-- and one acre- well, unless you're in a high density zone. But most of these are not going to be very small lots. They're either going to be one acre or one half acre."

Larry Oxman: "Right."

Supervisor Cardinale: "And we all know that that's going to draw \$250,000- \$225,000 is what the practical reality is. Why would the transfer of development right not be worth considerably more in the residential sector than \$40,000?"

Larry Oxman: "I would almost reverse it. I would start by saying what is the end product going to be worth. So if, in fact, someone plans on building- "

Supervisor Cardinale: "The end product is \$250,000. That's what it costs to buy a lot right now."

Larry Oxman: "Yes. And someone that buys a \$250,000 lot will probably have a 6 or \$700,000 house on that \$250,000 lot. Builders as an example use a formula of about 25% to a third for the price of the land improved."

Supervisor Cardinale: "Okay."

Larry Oxman: "They can't go above that because there's no profit in it. So your \$200,000 lot is going to force expensive homes. With the TDR and buying it at a lower level, you can get homes that are \$400,000, \$300,000 and, you know, it depends on- "

Supervisor Cardinale: "I know they'd like to buy it at a lower level. I just don't understand why they're selling them at a lower level. That's my point. Why- they know that they can make- they can- their lot is going to be worth- what is it going to be worth, why would- I mean, I would love to buy TDR's for \$40,000 or \$60,000 if I can create a lot that's going to be worth 200 or 250. I'd like to do that all day."

Larry Oxman: "Right. I'm not sure- you have to look at your receiving areas, where they're going and what the end product is going to be worth."

Just so you know, in Southampton town development rights were selling at \$20,000 in the Westhampton area recently."

Supervisor Cardinale: "Really?"

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Larry Oxman: "Yeah. Absolutely. So."

Supervisor Cardinale: "Because there's no receiving areas probably."

Larry Oxman: "There are few receiving areas. So it really- it's difficult to just answer a question. You have to almost look on a case by case basis."

Supervisor Cardinale: "Right."

Larry Oxman: "If you can use it in expensive areas, it's great. If you can't- compare the 1500 square feet, whether someone uses that industrially or someone uses it, you know, in Tanger or close to it."

Supervisor Cardinale: "I think that's where the success of this program really enters and how that sells."

Larry Oxman: "Thank you."

Supervisor Cardinale: "Thank you very much, Larry. And thank you for your written comments."

If there's no further comment, we will- Dave, did you want to speak? Okay the roads on Osborne and Middle are open now? Good. Thank you for checking. So you can all get home safe.

There's no further comment, I'll close the meeting now and see you at work session on Thursday."

Meeting adjourned: 9:35 p.m.